

Report of Sale and Petition for Order Confirming Sale of Real Property

DOD: 1/12/1989		DOLORES TRUJILLO is Administrator/petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Petition requests that no additional bond be required and does not request the proceeds be placed into a blocked account. Will need either additional bond or proceeds placed into a blocked account. 2. Proof of service was filed showing service on several individuals but since most of the beneficiaries have died examiner is unable to determine if everyone entitled to notice has been notice. It would be helpful if a declaration was filed indicating which beneficiaries have died and who would be entitled to notice that would have otherwise gone to the deceased beneficiary.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.	Reappraisal - \$30,000.00	
<input checked="" type="checkbox"/>	Verified	Overbid - 32,000.00	
<input checked="" type="checkbox"/>	Reappraisal	Property - 825 E. Eden, Fresno	
<input type="checkbox"/>	PTC	Publication - Business Journal	
<input type="checkbox"/>	Not.Cred.	Buyers - Darnell Packard and Mary Packard, husband and wife as joint tenants.	
<input checked="" type="checkbox"/>	Notice of Hrg	Broker - none	
<input type="checkbox"/>	Aff.Mail X	Current bond is \$8,000.00.	
<input type="checkbox"/>	Aff.Pub.	Declaration of Petitioner filed on 1/8/15 states the property is being sold for \$30,000 subject to the current taxes, fines, covenants, conditions, restrictions, reservations, rights or way, and easements of record. The following additional terms were understood by the buyer and the seller but were not clearly stated in the petition. The seller agreed that the estate shall credit the buyer the amount of \$18,000 for satisfaction of the current taxes and fines against the property, and the buyer agrees to deliver receipts showing satisfaction of said taxes and fines to seller.	
<input type="checkbox"/>	Sp.Ntc.		
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<input type="checkbox"/>	CI Report		
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<input checked="" type="checkbox"/>	Order		
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<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: KT**Reviewed on: 1/6/15****Updates:****Recommendation:****File 1 - Rodriguez**

Petition for Visitation

Age: 10 years	JAMES DOUGHTY III , father, is petitioner.	NEEDS/PROBLEMS/COMMENTS:					
	ROY OKEN and DOREEN OKEN , maternal grandparents, granted guardianship of the minor on 4/1/2008.	<u>Continued to 2/5/15</u> at the request of the petitioner.					
Cont. from 102714							
Aff.Sub.Wit.	Mother: PATRICIA MARIE DOUGHTY	<ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing on: <ol style="list-style-type: none"> a. Roy Oken (guardian) b. Doreen Oken (guardian) c. Julia Brungess (attorney for guardians) 3. Petition was not verified. Probate Code §1021. 4. Need Order. 					
Verified	X						
Inventory							
PTC							
Not.Cred.							
Notice of Hrg	X						
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UCCJEA							
Citation							
FTB Notice							
	<p>Paternal grandfather: James Doughty Paternal grandmother: Linda Doughty</p> <p>Current Visitation Order dated 10/3/2013:</p> <p>Father is to have a minimum of 2 therapeutic visits per month with the minor at Comprehensive Youth Services ("CYS"). Additional visits at the guardian's discretion. Father is responsible for all costs associated with the therapeutic visits.</p> <p>Petitioner states he requests the court order visitation for the following three reasons:</p> <ol style="list-style-type: none"> 1. He loves his son and has nothing but his best interest at heart. 2. I has gone to therapy now for years and can assure the court that he is capable to care for his son while he is entrusted in his care. 3. The present situation has and is excluding him from half of his family which is painful for him and must end. 	<table border="1"> <tr> <td>Reviewed by: KT</td> </tr> <tr> <td>Reviewed on: 1/6/15</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 2 – Doughty</td> </tr> </table>	Reviewed by: KT	Reviewed on: 1/6/15	Updates:	Recommendation:	File 2 – Doughty
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Recommendation:							
File 2 – Doughty							

Declaration of Petitioner filed on 9/15/14 states he is supposed to have a minimum of 2 visits per month. Father is requesting the court alter the order so that the visits are scheduled early in the month and therefore if something causes the guardian to cancel there will be ample time to reschedule.

Father is also requesting supervised visits through the agency instead of therapeutic supervised visits. Father would also like the order to be changed to allow the decision of additional visits during the month to be decided by the supervisor of the visits rather than the guardians.

Attached to the declaration are the dates of the therapeutic visits. Therapeutic visits since the current visitation order dated 10/3/13 are as follows:

10/2013 – one cancelled visit (client/father did not show)

11/2013 – one visit.

12/2013 – one visit and one cancelled visit (child ill).

1/2014 – 2 visits

2/2014 – 1 visit and one cancelled visit (cancelled by guardian)

3/2014 – 2 visits

4/2014 – 2 visits and one cancelled visit (cancelled by therapist)

5/2014 – 0 visits and 3 cancelled visits (2 cancelled by therapist and one cancelled child ill)

6/2014 – 2 visits and one cancelled visit (cancelled by guardian)

7/2014 – 2 visits

8/2014 – one visit.

Amended First Account and Report of Administrator and Petition for its Settlement Thereof

DOD: 11-27-05 <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 10%;"></td><td style="width: 80%;">Aff.Sub.Wit.</td><td style="width: 10%;"></td></tr> <tr><td>✓</td><td>Verified</td><td></td></tr> <tr><td>✓</td><td>Inventory</td><td></td></tr> <tr><td>✓</td><td>PTC</td><td></td></tr> <tr><td>✓</td><td>Not.Cred.</td><td></td></tr> <tr><td>✓</td><td>Notice of Hrg</td><td></td></tr> <tr><td>✓</td><td>Aff.Mail</td><td style="text-align: center;">w</td></tr> <tr><td></td><td>Aff.Pub.</td><td></td></tr> <tr><td></td><td>Sp.Ntc.</td><td></td></tr> <tr><td></td><td>Pers.Serv.</td><td></td></tr> <tr><td></td><td>Conf. Screen</td><td></td></tr> <tr><td>✓</td><td>Letters</td><td style="text-align: center;">2-24-06</td></tr> <tr><td></td><td>Duties/Supp</td><td></td></tr> <tr><td></td><td>Objections</td><td></td></tr> <tr><td></td><td>Video Receipt</td><td></td></tr> <tr><td></td><td>CI Report</td><td></td></tr> <tr><td>✓</td><td>9202</td><td></td></tr> <tr><td></td><td>Order</td><td style="text-align: center;">x</td></tr> <tr><td></td><td>Aff. Posting</td><td></td></tr> <tr><td></td><td>Status Rpt</td><td></td></tr> <tr><td></td><td>UCCJEA</td><td></td></tr> <tr><td></td><td>Citation</td><td></td></tr> <tr><td>N/A</td><td>FTB Notice</td><td></td></tr> </table>		Aff.Sub.Wit.		✓	Verified		✓	Inventory		✓	PTC		✓	Not.Cred.		✓	Notice of Hrg		✓	Aff.Mail	w		Aff.Pub.			Sp.Ntc.			Pers.Serv.			Conf. Screen		✓	Letters	2-24-06		Duties/Supp			Objections			Video Receipt			CI Report		✓	9202			Order	x		Aff. Posting			Status Rpt			UCCJEA			Citation		N/A	FTB Notice		<p>ANITA CHOPERENA, Administrator with Limited IAEA with bond of \$106,000.00, is Petitioner. (Administrator was appointed on 2-21-06; Letters issued 2-24-06.)</p> <p>Account period: 11-27-05 through 10-14-14 Accounting: \$ 2,474,486.39 Beginning POH: \$ 872,833.56 Ending POH: \$ 894,486.39</p> <p>Administrator requests payment of \$150,000.00 on her Creditor's Claim filed 6-20-06, plus accrued interest. (See Page C of this calendar.)</p> <p>Petitioner states the following actions were taken without Court supervision and without Notice of Proposed Action:</p> <ol style="list-style-type: none"> a. Administrator has managed the almond orchard in the Decedent's Estate in the form of paying bills and receiving income into the Estate checking account. b. Administrator received the proceeds from a foreclosure sale that occurred 9-7-05 (prior to the date of death) of certain real property and proceeds were paid to the estate on 3-13-06. c. On 1-27-07, Administrator withdrew \$50,000.00 from a checking account and deposited it into a CD account. d. On 8-27-07, Administrator transferred \$41,551.02 from the CD account to the checking account. e. On 5-1-08, Administrator transferred \$10,358.07 from a separate CD Account to the checking account. <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page A: Amended First Account and Report of Administrator</p> <p>Page B: Petition for Order to Continue to Operate Decedent's Business and to Borrow Funds under Probate Code §§ 9760 and 9800</p> <p>Page C: Allowance or Rejection of Creditor's Claim</p> <p>Minute Order 11-5-14: The Court orders that Petitioner is not allowed to sell the property without Court approval. Mr. Keene is to file a verified declaration regarding the farm income by November 26.</p> <p>Note: On 11-26-14, this Amended First Account was filed, along with declarations by Attorney Keene and Administrator Anita Choperena.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Reviewed by: skc</td></tr> <tr><td>Reviewed on: 1-6-15</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 3A - Choperena</td></tr> </table>	Reviewed by: skc	Reviewed on: 1-6-15	Updates:	Recommendation:	File 3A - Choperena
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Page 2

Petitioner states costs of \$20.00 have been advanced by Linneman Law, LLP and have not been paid: \$10.00 on 3-30-06 CHP Police report and \$10.00 on 2-27-06 to Fresno Superior Court for a copy of a creditor's claim.

Receipt for Costs filed 3-4-14 indicates that Anita Choperena has paid herself \$34,363.62 for costs advanced detailed in Attachment A to the Receipt including farm land loan interest payments, former attorney retainer fee, irrigation expenses, etc.

Petitioner states several loans were made to the estate by the Administrator totaling \$373,505.00, of which \$345,500.00 has been paid, and \$28,005.00 remains owing.

No compensation is requested by Administrator or her attorney.

Petitioner requests this Court order:

1. That the First Account and Report of Administrator be settled, allowed, and approved as filed;
2. All reported acts and proceedings of Petitioner as Administrator be confirmed and approved;
3. Petitioner be authorized and directed to Pay herself the total sum of \$150,000.00 plus accrued interest on the Creditor's Claim filed 6-20-06; and
4. For such further orders as the Court considers proper.

Attorney Keene and Administrator Anita Choperena also filed declarations on 11-26-14 pursuant to the Court's Minute Order of 11-5-14 regarding the farm income. Please see Page B (Petition to Operate Decedent's Business and to Borrow Funds) for details.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

The following issues remain noted for reference:

1. **Petitioner was appointed as Administrator with Limited authority under IAEA almost nine (9) years ago on 2-24-06.** There was no mention in the original petition for probate of the real property in Merced County or the decedent's apparent farming business. The only assets originally alleged were income of \$38,000 annually (source not indicated) and proceeds from the foreclosure of certain residential real property in Fresno. Bond appears to have been based on this estimate.

At no time did the Administrator petition the Court for authorization to continue operation of the Decedent's business under Probate Code §9760 or to borrow, loan, etc., under Probate Code §9800.

Need clarification as to how these acts and transactions of the Administrator were to the advantage of the estate and in the best interest of the minor heirs.

Note: There is no schedule showing net income/loss pursuant to Probate Code §1062(c); however, the estate/business appears to be operating at a loss, as the overall Disbursements exceeded Receipts, including loans, by approx. \$77,185.90, although according to the Reappraisal, the value of the real property itself has increased some. However, Examiner also notes that there is a negative balance of cash noted in the Ending POH of -\$4,852.34.

Update: Petitioner has now filed a Petition for Order to Continue to Operate Decedent's Business and to Borrow Funds under Probate Code Sections 9760 and 9800. See Page B.

2. **The Administrator had a duty to apply for increased bond upon knowledge of the bond's insufficiency pursuant to Cal. Rules of Court 7.204.**

It appears from this accounting that the annual income of the estate (business?) was approx. \$132,000.00, not including the loans from the Administrator. Therefore, together with the cash and personal property assets as inventoried, bond should have been increased to at least \$224,833.56 as early as the Administrator was aware. At this time, based on the approx. annual income plus the POH, bond should be increased to at least \$152,647.66.

Note: Order to Increase Bond to \$150,000.00 was signed ex parte on 4-9-14. Additional bond was filed 5-6-14.

Note: According to the Declarations filed 11-26-14, the above figures may be outdated. If the Administrator is allowed to continue, the Court may require further recalculation of the bond based on the value of the estate.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS (CONTINUED):

3. **Petitioner requests approval of payment of her Creditor's Claim filed 6-26-06 for \$150,000.00 plus accrued interest based on "Deed of Trust, Recorded on October 4, 1999."** However, there is no explanation regarding this transaction, including whether any payment schedule existed or payments were made prior to the decedent's death in 2005. Also, it appears interest has now been accruing for many years. Is there a reason the Administrator did not request allowance via proper channel previously (i.e., Allowance or Rejection form)? What is the current balance owing, and how was letting the interest accrue in the best interest of the estate and minor heirs?

Update: Petitioner has now submitted the Allowance or Rejection of Creditor's Claim Form DE-174 to the Court for consideration. See Page C.

Additional Update: According to Attorney Keene's Letter dated 11-10-14 to Ms. Catalan (mother of the decedent's minor children), which is attached to the Mr. Keene's Declaration filed 11-26-14, the estimated payoff of this loan is "about \$415,000.00."

4. Petitioner indicates that the Administrator has advanced costs to the estate totaling \$34,363.62. It appears that most of the "costs" listed appear to be business expenses, such as payment of wages and for machines, etc. Need clarification as to how these items are categorized as "costs" whereas it is known that the Administrator was also making "loans" to the estate for business purposes.

Update: See below re Declaration filed 4-9-14.

5. Petitioner's "costs" also includes payment of her former attorney Brian T. Austin's retainer in the amount of \$1,500.00. Please note that compensation has not been authorized to the attorney, nor is such authorization requested at this time.

Update: Declaration states the attorney was paid \$1,500.00 for costs incurred, rather than as a "retainer" or as an attorney's fee. Petitioner is informed and believes that there is a balance owing the estate for the unused portion of these funds of \$652.00.

6. This petition is filed as a "First Account;" however, it is far overdue and also does not indicate when the estate will be in a condition to close or request estimated additional time for administration. Need verified declaration as to the condition of the estate, the reasons why the estate cannot be distributed and closed, and an estimate of the time needed to close the estate pursuant to Probate Code §12201.

Update: See below re Declaration filed 4-9-14 and Declaration filed 10-28-14.

Based on the above issues, the Court may strike any language confirming and approving the acts and transactions during the account period.

SEE ADDITIONAL PAGES

Declaration filed 4-9-14 states:

The principal asset of the estate is agricultural real property which is planted in almond trees. Since becoming Administrator, Petitioner has continued the decedent's business of growing and selling almonds. Initially, the debts of the estate exceeded the value of the assets, including the \$150,000.00 debt owed to Petitioner since before her son's death, and including the paper loss (mentioned above) in the amount of \$4,852.35. However, the last payment for the 2013 crop has come in that more than makes up for that amount.

Petitioner states there is also a lien against the amount payable for attorney's fees of \$2,073.28, but it is Petitioner's understanding that this does not reduce the value of the estate but is an issue to be worked out between Petitioner's current attorney and former attorney.

Regarding the \$150,000.00 promissory note owed to Petitioner: It bears an interest rate at 7% per annum. Petitioner has not been paying herself on this loan nor has she been paid any principal. The other loans she made to the estate for the farming operation have been interest-free even though this particular loan does bear interest. A copy of the note and deed of trust is attached to the Allowance or Rejection of Creditor's Claim filed herewith. (See Page C.)

Petitioner states the estate cannot be closed at this time because there is not enough cash in the estate to pay costs necessary to keep the almond trees productive and pay costs of administering the estate, including attorney's fees. Petitioner has listed the property for sale based upon the value determined in the Reappraisal for Sale; however, the value has been discounted by 20% based on this year's water shortage. Because of this discount, Petitioner is reluctant to let the property go for too small of an amount simply because prices are currently depressed. Petitioner would like to hold the asking price a little while longer to obtain the best price the market has to offer.

It is Petitioner's belief that it is in the best interest of the estate and in the best interest of her grandchildren, who are the heirs, that the court allow Petitioner to continue to operate the almond business with the assets of the estate until the property is sold.

Petitioner states she has, during the course of the administration, loaned money to the estate for the farming operation in order to fund cash flow. As Administrator, Petitioner would like the authority to loan and borrow funds if necessary, to continue to operate the business. It is anticipated that she would be the lender and the term of the loan would be until either the property is sold or the crop is harvested and sold, whichever comes first, as has been the case with all the loans made to the estate. The loan(s) would not have interest.

Declaration filed 10-28-14 states: The principal asset of this estate is real property planted with almond trees. Petitioner listed the property for sale on 4-7-14 at \$1,500,000.00. When there had been no active interest by anyone, she cancelled the listing. Since the original listing wouldn't expire until 10-31-14, she was afraid that if she actively marketed the property or listed it with anyone else, the first listing agent would still get a portion of the sale price. On or about 10-16-14, she called her attorney, who, after listening to her predicament, advised her to list the property with another realtor right away. On 10-16-14, she listed the property for \$2,400,000.00. However, the attorney told her that the price should have been the reappraisal price of \$1,095,000.00. At present, almost all costs for the 2014 crop have been paid using the first one half of the payment made when the almonds were purchased. The remaining outstanding bills are listed in Exhibit E. The second half of the proceeds from the sale of the 2014 crop is due mid-January in the amount of \$103,334.01. This will leave a balance which should be adequate to pay the cost of closing the estate; however, it may not be enough to also pay off the \$150,000.00 that Petitioner made to her son before his death.

Petitioner states if the real property is distributed in kind, the period immediately after mid-January would be the best time of the year for the almond production. However, Petitioner believes it is in the best interest of the estate to sell the property rather than distribute in kind to her grandchildren.

Therefore, Petitioner would like the Court to give her more time to sell the property.

DOD: 11-27-05		ANITA CHOPERENA , Administrator with Limited IAEA with bond of \$106,000.00, is Petitioner. Petitioner requests an order authorizing her to continue to operate the decedent's business of growing almonds and selling them. The Administrator has been operating the business with some success over seven years. The estate is not in a condition to close because it does not have enough cash to pay the costs of administration. Therefore, the real property must be sold. If left unattended until it is sold, the almond trees may die from lack of water or become stressed and unproductive.	NEEDS/PROBLEMS/COMMENTS: Minute Order 11-5-14: The Court orders that Petitioner is not allowed to sell the property without Court approval. Mr. Keene is to file a verified declaration regarding the farm income by November 26. Note: On 11-26-14, the Amended First Account was filed. See Page A. Also filed on 11-26-14: <ul style="list-style-type: none"> • Declaration of Thomas J. Keene Under Penalty of Perjury • Declaration of Anita Choperena Under Penalty of Perjury See additional pages.
Cont. from 050514, 110514, 120314			
	Aff.Sub.Wit.		
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✓	Notice of Hrg	It is therefore in the best interest of the estate and the heirs that the Administrator be allowed to continue to operate the business while she goes through the process of selling the real property. In order to fund the cash flow of the almond growing business, the Administrator has been making interest-free loans to the estate. It is anticipated that this practice will need to continue in order to continue with the business. §9800(a)(3) provides that if the court determines that it would be advantageous to the estate it may make an order allowing the personal representative to borrow against the estate for purposes of preserving the property of the estate. The Administrator believes that such borrowing is necessary in order to keep the almond trees on the property alive and productive.	
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	FTB Notice		Wherefore, the Administrator asks for an order allowing her to continue to operate the decedent's almond growing business and allowing her to borrow money in order to carry on the business.

Declaration of Thomas J. Keene states on or about 11-11-14, he wrote a letter to Rosario Catalan, the mother of Peter Choperena and Antonio Choperena, the heirs of the estate. See Exhibit A. No response to the letter or phone calls has been received. Attached is a copy of Performance of Almond Acreage 11-17-05 until 11-20-14, which the attorney prepared from crop reports provided from Hughson Nut Inc., including a number of calls to verify that he was interpreting the crop reports correctly. Mr. Keene states this report accurately shows the volume of almonds in pounds, price per pound, and resulting payments which the estate received in each of the years in which Ms. Choperena has been Administrator of the Estate. In spite of the title of the document, the entry for crop years 2014, shows the total price for the almonds of \$206,668.02. The attorney is informed that the estate has received only one half of that sum at this time. The balance is to be paid 1-15-15.

Exhibit C is a chart showing the income to the estate from all sources, including proceeds from the sale of water and crop subsidy payments. There were also three years in which payments made for water were refunded to the estate when water could not be provided. The up to date accounting filed concurrently accurately reflects the information supplied by his client.

Declaration of Anita Choperena states the principal asset of the estate is 129 acres of agricultural real property, 54 of which is planted in almond trees. The water allocated to all of the land is usually needed to keep the almonds productive. The principal source of income to the estate is the proceeds from the sale of almonds. Since she was appointed Administrator, all almond sales have been made to Hughson Nut Inc. She has given her attorney authority to communicate directly with the buyer and he has obtained crop reports. The balance due, as stated above, is to be paid 1-15-15. At present, almost all of the costs for the 2014 crop have been paid using the first half of the payment made when the almonds were purchased. The remaining bills are listed in Exhibit B. A payment for the 2nd half of the proceeds is due mid-January in the amount of \$103,334.01; however, property taxes must be paid by December 10. Ms. Choperena will advance the money to pay the taxes so that no penalties are incurred. This will be on the condition that she is reimbursed once the second half comes in. This loan would be made at no interest, as have all of the loans that she has made to the estate. The property should also be sprayed with herbicide to get rid of weeds at this time, and she is willing to advance the cost without interest, so long as she is paid in January.

The only sources of income to the estate other than from the sale of almonds are, in some years, crop subsidies and one year, from the sale of water. That information is provided in Exhibit C.

There is an outstanding \$150,000.00 loan that Ms. Choperena made to her son before his death, and a claim has been filed for repayment, with interest. That loan was for the purpose of purchasing the agricultural land. She has not paid herself any principal or interest and has used the estate money solely for operating the almond growing business. She has never used any of it to pay personal expenses nor has she paid herself for her time, energy, and effort that she has put into the almond business on behalf of the estate. She does expect to be repaid the \$150,000.00 with the interest called for in the note and deed of trust.

Ms. Choperena states she has not heard from nor personally communicated with either her grandsons (who are the heirs to this estate) or with their mother, Rosario Catalan, since the last court appearance.

Allowance or Rejection of Creditor's Claim

DOD: 11-27-05		<p>ANITA CHOPERENA was appointed as Administrator on 2-21-06 with Limited IAEA and bond of \$106,000.00.</p> <p>On 6-26-06, Ms. Choperena filed a Creditor's Claim against the estate in the amount of \$150,000.00 with reference to a deed of trust recorded 10-4-99 (not attached).</p> <p>On 12-20-13, the Court reviewed the estate and, noting that there had been no activity since 2007, set the matter for status hearing. In response, the Administrator filed her First Account (Page 2A) in which she requested payment of her claim.</p> <p>The Administrator has now submitted for the Court's consideration the Allowance or Rejection of Creditor's Claim form DE-174 with copies of the Deed of Trust with Assignment of Rents as Additional Security recorded 10-4-99 and the Promissory Note dated 9-3-99.</p> <p>The Deed of Trust and Promissory Note indicate that in 1999, prior to the decedent's death, Ms. Choperena loaned the decedent \$150,000.00 at 7% per annum, payable in annual installments of "\$10,000.00 or more, plus interest." The loan was secured by the decedent's agricultural real property in Merced County.</p> <p>Ms. Choperena states in her Declaration filed 4-9-14 that she has not been paying herself any interest on this loan nor has she been paid any of the principal.</p> <p>Therefore, the Administrator requests that the Court allow her creditor's claim.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 11-5-14: The Court orders that Petitioner is not allowed to sell the property without Court approval. Mr. Keene is to file a verified declaration regarding the farm income by November 26.</p> <p>Note: On 11-26-14, the Amended First Account was filed. See Page A. Also filed were declarations by attorney Keene and Administrator Anita Choperena.</p>	
Cont. from 050514, 110514, 120314				
<input type="checkbox"/>	Aff.Sub.Wit.			
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<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
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<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Petition for Visitation

		JESUS N. GONZALEZ, Father, filed this Petition for Visitation on 5-7-13.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 11-17-14:</u> Rosie Valdovinos is sworn to interpret in the Spanish language. Parties are to find a new counselor in order to work toward the father having overnight visits and provide the information to the Court on 1/12/15. Cont. to 011215.					
Cont. from 061113, 073013, 091013, 100813, 121313, 030314, 042114, 062314, 081814, 111714		MARIA IBARRA , Maternal Grandmother, was appointed Guardian on 6-26-08. - served by mail 5-27-13 Mother: Patricia Rodriguez (Deceased) Paternal Grandfather: Jose Gonzalez Paternal Grandmother: Josefina Gonzalez Maternal Grandfather: Lorenzo Rodriguez						
	Aff.Sub.Wit.							
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	Inventory							
	PTC							
	Not.Cred.							
✓	Notice of Hrg							
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	Aff.Pub.							
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	Status Rpt							
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	Citation							
	FTB Notice							
Petitioner requests to have custody of his son and to have his case reviewed. Petitioner sees no reason for his son to be with his grandmother when he is fully capable and willing to be fully responsible for his son. Petitioner doesn't feel the visitation that he is allowed is sufficient to fully bond with his son, especially now that he will be having a sibling. Petitioner believes it is in his son's best interest to be closer to his little brother and father than the 2 hours a week that is currently allowed (sometimes less because the grandmother arrives late). Petitioner believes his son needs a father figure and he and his wife are able to provide a stable house for his son. Petitioner states there is no need for his son to continue living with his grandmother when he has a loving father who wants to be a part of his life. Court Investigator Jennifer Young filed reports on 7-26-13 and 9-3-13. <u>SEE ADDITIONAL PAGES</u>			<table border="1"> <tr> <td>Reviewed by: skc</td> </tr> <tr> <td>Reviewed on: 1-5-15</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 4 – Rodriguez</td> </tr> </table>	Reviewed by: skc	Reviewed on: 1-5-15	Updates:	Recommendation:	File 4 – Rodriguez
Reviewed by: skc								
Reviewed on: 1-5-15								
Updates:								
Recommendation:								
File 4 – Rodriguez								

Minute Order 7-30-13: Also present in the courtroom is Jesus Rodriguez. Rosie Valdivinos is sworn and interprets for Maria Ibarra. Ms. Ibarra objects to the petition. Visitation between father and the minor is ordered as follows: visitation shall be every Sunday from 1:00 p.m. to 5:00 p.m. at a place mutually agreed upon by the parties. Father is ordered not to expose the minor to any horror movies or encourage any horse play with other children that may be uncomfortable for the minor.

The Court orders the court investigator to contact the Carmen Meza Center regarding the minor's therapy. Parties enter into a waiver of confidentiality for said purpose. Continued to 9/10/13.

Guardian Maria Ibarra filed a declaration on 9-6-13. Ms. Ibarra states Jesus has always been in her custody since the death of his mother on 10-31-05. The police turned him over to Ms. Ibarra that day. Shortly after the murder, Ms. Ibarra spoke with Mr. Gonzalez, who stated she could keep Jesus as long as he could use is SSN for his taxes. He did not participate in Jesus' life. When Jesus was two years old, Ms. Ibarra allowed overnight visits. During the visits, Jesus slept on pillows on the floor with the family dog. Mr. Gonzalez never returned him on time and she always had to pick him up. On one occasion, he wasn't even present, and Jesus was running around unsupervised with the grandfather getting drunk with his friends. A police report was made. In 2008, Jesus came home with a burn on his hand. Jesus told her that his aunt Karina was mad at him and grabbed his hand and burned it. A police report was made. Also, Jesus was always starving upon return from his visits.

Of great concern to Ms. Ibarra is the fact that Mr. Gonzalez was inconsiderate of what happened to Jesus. He had him watch the movie "Chucky" where a doll is murdering people with a knife. Mr. Gonzalez should have been more conscious of the fact that Jesus' mother was killed with a knife. Jesus was traumatized.

Ms. Ibarra states that even now, he continues to have little regard for Jesus' needs, and Mr. Gonzalez lacks maturity when it comes to Jesus' care. Recently he forced horseplay (fight) with Jesus' cousins, and tried to block Ms. Ibarra from seeing with a chair.

Further traumatizing Jesus, Mr. Gonzalez had Ms. Ibarra served with court papers in front of Jesus. The person was rude and disrespectful, demanding to see photo identification or verification of her address. She felt forced to show her PGE bill. Jesus was scared that he was going to be removed from her home.

Ms. Ibarra states she regularly attends church on Sunday afternoons. Jesus enjoys this because that is when his friends go to service too. Mr. Gonzalez refuses to change the visitation schedule so Jesus can attend. Ms. Ibarra would like visits to be Sundays 9-12.

Ms. Ibarra is not opposed to the court ordering Mr. Gonzalez to attend therapeutic visits with Jesus and his counselor. She has attended some sessions, and believes he should also.

Mr. Gonzalez pays only \$128/month child support. Ms. Ibarra pays \$60-70/week in child care. Mr. Gonzalez takes no interest in helping pay for school supplies, uniforms, medical bills, and **refuses to provide her with his insurance card or a letter stating he is not covered. The providers will not accept Medi-Cal because their system shows he has an insurance provider.** Jesus suffers from asthma and this is creating a hardship. Ms. Ibarra cannot afford these bills. All she needs from him is the insurance card. **SEE ADDITIONAL PAGES**

Minute Order 9-10-13 states: Ms. Valdivinos is sworn and interprets for Maria Ibarra. Maria Ibarra objects to the petition. Counsel is directed to facilitate counseling between father and child. Matter continued to 10/8/13.

A Supplemental Report filed was filed 10-1-13 by Court Investigator Jennifer Young.

Declaration of Jesus N. Gonzalez filed 10/03/2013 disputes the claims of the guardian, Maria Ibarra. Mr. Gonzalez is seeking to increase his visitation with the minor child to include overnight visits in order for him to become more familiar with his family and become a stronger part of their lives. Mr. Rodriguez states that both he and the guardian shared custody of Jesus, the minor child, without a structured agreement and transportation of the child was done by both parties as well as the father's sister. The father states that when the child would visit his family he always had a comfortable place to sleep, not on the floor. He states the child was with him one time while watching movie clips on You-Tube and there were a few clips from the movie "Chucky" as well as other comedies, cartoons and other genres. The father states the child did not seem disturbed by any of the movie clips. Mr. Gonzalez states that the safety of his son is always held in high regards. He says that Jesus is a normal 10 year old who regularly plays with all of his cousins. Mr. Gonzalez states that he has always been and is willing to help with the child's needs. He states he has purchased shoes, clothing and other items outside of the dollar amount taken for child support. He states that the guardian makes it difficult to bring gifts from family members since she is an active Jehovah's Witness and has gotten upset with Mr. Gonzalez's mother for taking a birthday cake to celebrate with the child during one of the visits. Mr. Gonzalez states that he has provided the guardian with a letter for the child's medical coverage. Attached to the declaration are pictures of the child with the father in response to the allegations that the child does not want to visit with the father.

SEE ADDITIONAL PAGES

Minute Order 10-8-13: Ms. Ibarra is being assisted by an interpreter. Mr. Gonzalez informs the Court that he has an appointment with the counselor today. The Court indicates to the parties that it is not changing the visitation time and they are to mutually agree on a location for visitation to take place during the winter months. The Court orders that Jesus and his father participate in conjoint counseling with a licensed clinical therapist for the purpose of facilitating unsupervised visits. In the event that a licensed therapist is not available in Firebaugh, arrangements are to be made elsewhere with a licensed therapist. Ms. Aguilar is ordered to notify the therapist that the Court will be expecting a report as to how conjoint counseling is progressing. Continued to 12/3/13.

Minute Order 12-3-13: Counsel informs the Court that father and child are in the process of registering with County Mental Health for an evaluation. Counsel requests a continuance. The Court orders that all orders remain in full force and effect. Matter continued to 3/3/14. The Court will entertain an order shortening time if necessary. Continued to 3-3-14 at 9am in Dept 303. All other orders remain in full force and effect.

Minute Order 3-10-14: Matter continued to 4-21-14.

Minute Order 4-21-14: Mr. Gonzalez was provided with guardian's phone number. Parties are to give one another 24 hours if they cannot make a visit. Court needs a report from the therapist regarding progress and viability on when visits may increase by hours and/or non-supervised visits. Continued 6/23/14 at 9am in Dept 303.

Minute Order 6-23-14: Ms. Valdivinos is sworn and interprets for Ms. Ibarra. The Court extends the visits to 8 hours. Parties are directed to work together to arrange the visits. No limitations will be imposed as to where the visits shall take place. Father shall be allowed to have the child for an overnight visit this Saturday until Sunday at 8:00 p.m. Counsel is directed to prepare the order. Court to be provided a copy of the report from the therapist. Continued to 8/18/14 @ 10:00 a.m. Dept. 303

On 6-25-14, Attorney Nellie Aguilar (attorney for Maria Ibarra) filed Exhibits for the Court's Consideration. See document for details.

On 8-15-14, Attorney Nellie Aguilar filed an Updated Counselor's report (CONFIDENTIAL).

Minute Order 8-18-14: Therapy is ongoing. Visits are from 9 to 5 with father. Father picks up child in the morning and guardian picks child up in the evening. Parties waive confidentiality. Parties are to work with each other and not involve child with any issues. The Court needs updated report. Continued to 11-17-14.

Declaration of Guardian Maria Ibarra filed 11-14-14 states Jesus has not attended any conjoining sessions with Mr. Gonzalez since August 2014. There was a lapse in medical coverage and Mr. Gonzalez provided a new medical card on 10-23-14. Since then, the guardian has contacted Valley Health Team to enroll Jesus in counseling. It has been very difficult to find a provider for Jesus to complete counseling without medical insurance card and **Mr. Gonzalez has made no efforts to continue with his conjoint counseling with Jesus.** [Emphasis in original.]

1) Petition for Approval of Second and Final Account and Report of Conservator of the Person and Estate; 2) Request of Authorization to Distribute Assets to Administrator of the Estate and Named Beneficiaries; and 3) Discharge Conservator of the Estate. Probate Code 2620

DOD: 1/1/14		CRAIG MACGLASHAN , Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Account period ends after the date of death. Probate Code §2620(b) requires the final account to include an accounting for the period that ended on the date of death and a separate accounting for the period subsequent to the date of death.
		Account period: 6/1/11 – 3/31/14	
Cont. from		Accounting - \$2,046,321.44	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$1,661,989.40	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$1,575,872.55	
<input type="checkbox"/>	Inventory	Conservator - waives	
<input type="checkbox"/>	PTC	Attorney - \$7,496.00 (44.10 hours of paralegal and attorney time at \$60 - \$280 per hour.)	
<input type="checkbox"/>	Not.Cred.	Costs - \$435.00 (filing fee)	
<input type="checkbox"/>	Notice of Hrg	Petitioner states the conservatee died on 1/1/14. Petitioner has been appointed as executor of the estate of Jamie McGlashan.	
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
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<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
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<input type="checkbox"/>	Citation		
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Petitioner prays for an Order:

1. Approving, allowing and settling the second and final account and report of conservator;
2. All acts and transactions of Conservator as set forth in the accounting are ratified, confirmed and approved;
3. Authorizing the payment of attorney fees and costs;
4. Transfer of the remaining property on hand to Craig MacGlashan as executor of the estate of Jamin McGlashan and to Craig MacGlashan as joint owner of the Farmers Insurance Group Federal Credit Union Account.

Reviewed by: KT

Reviewed on: 1/6/15

Updates:

Recommendation:

File 5 - McGlashan

Wall, Jeffrey L. (for Esther Sotelo – Trustee – Petitioner)

Wall, Jeffrey L. (for Esther Sotelo – Trustee – Petitioner)

Third and Final Account of Trustee, Petition for Approval of Commission and Attorney Fees and for Trust Distribution

Case No. 11CEPR00503

DOD: 4-14-12		ESTHER SOTELO , Granddaughter and Trustee with bond of \$10,000.00, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:	
	Aff.Sub.Wit.	<p>Account period: 1-1-14 through 10-31-14 Accounting: \$249,000.00 Beginning POH: \$200,000.00 Ending POH: \$233,692.94 (cash)</p> <p>Petitioner states Mrs. Esther Sotelo died on 4-14-12. The trust has been kept open because the trustee wants to maximize the return on sale of the trust's principal asset, a house in Pasadena, Ca, prior to distribution. There was substantial deferred maintenance on the property when the Sotelo Conservatorship (03CEPR01364) was first established. Also, a caretaker that has been residing at the property has invested a substantial sum in repairs in exchange for rent. The property was recently sold for an amount in excess of the value for which it was originally appraised in the conservatorship, which validates the decision to invest time and money in repairing the property.</p> <p>No compensation has been paid to Petitioner or Anna Vargas for their services as conservators, or to Petitioner for her services as trustee. In all prior accountings, Petitioner requested that payment be deferred because the estate had no money until the house was sold. The trust estate is now liquid. Petitioner's compensation request is attached as Exhibit A.</p>	<ol style="list-style-type: none"> This petition is not signed by the petitioner or the attorney and is not verified by the trustee. The First Amended Second Account covering account period 1-1-11 through 12-31-13 was filed heard 12-1-14. Various issues were noted in the Examiner Notes. Minute Order 12-1-14 states: A Third Amended Account has been filed and set for 1-12-15. The matter was not continued for further hearing because it appeared that a further amended petition had been filed. This petition, apparently the petition referred to in the 12-1-14 minute order, is actually the Third and Final Account covering the following account period 1-1-14 through 10-31-14. However, the prior account has not been settled. <u>Note:</u> Notice of Hearing filed 12-11-14 indicates that both petitions are on calendar; however, the First Amended Second Account was not continued and is not on calendar. <u>Note to Judge:</u> Examiner Notes from 12-1-14 are on the left side of the file for your reference. Need account statements per §2620(c). Order does not state dollar amounts distributable to each heir. (Examiner calculates \$29,636.55 to each of the three heirs, if all compensation is approved.) 	
	Verified			x
	Inventory			
	PTC			
	Not.Cred.			
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✓	Aff.Mail			w
	Aff.Pub.			
	Sp.Ntc.			
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	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	2620(c)	x		
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Page 2**Anna Vargas (former Co-Conservator of Mrs. Sotelo): \$115,000.00**

Petitioner states Mrs. Sotelo lived in Anna Vargas' home from 2003 until her death in 2011. Mrs. Vargas cared for her full-time and was not able to work outside the home. In comparison, other companies charge \$150-250/day or \$36,500-\$91,250/year. For her personal services to Mrs. Sotelo, Anna Vargas requests \$5,000/year for 2004-2005, and \$20,000/year for 2006-2011. This equates to about \$2.28/hr for round the clock care. The total request is \$115,000.00.

Trustee Esther Sotelo: \$3,775.00 (for 71 hours of work, including travel time, for work in connection with the property at \$25/hr, plus 100 hours of administrative services @ \$20/hr during the 11 years served as conservator and thereafter as trustee, per Exhibit A.)

Trustee Esther Sotelo Costs: \$2,414.28 (travel expenses such as hotel, gas, rental vehicle, property expenses such as taxes and insurance, postage, per Exhibit B)

Attorney Jeffrey Wall: \$14,150.00 (for 56.6 hours @ \$250/hr from 2007 through 2014, per Exhibit C.)

Attorney Nancy LeVan: \$9,272.00 (Per Declaration filed 11-4-14, for 48.50 hours @ \$200/hr

Costs Nancy LeVan: \$208.50, less \$36.50 received, total due \$172.00 (for filing fee, process service, etc., per Declaration filed 11-4-14)

Petitioner states According to the trust declaration, the persons entitled to distribution after payment of commissions, fees, and expenses, are the living children of Grantor Esther Sotelo's deceased son, Andrew Sotelo, as follows:

Esther Francine Sotelo: 1/3 share
Marvin Sotelo: 1/3 share
Gina Ellis: 1/3 share

Petitioner prays for an order:

1. Notice of hearing of this Account, Report, and Petition be given as required by law;
2. The Court make an order approving, allowing, and settling the third account and report of the trustee, and granting the petition as filed;
3. The Court authorize payment of the following compensation and reimbursements:
 - Esther Francine Sotelo: \$3,775.00 plus costs of \$2,414.28
 - Anna Vargas: \$115,000.00
 - Attorney Nancy LeVan: \$9,272.00
 - Attorney Jeffrey Wall: \$14,150.00
4. Authorizing distribution of the remaining trust estate in equal shares to Marvin Sotelo, Gina Ellis, and Esther Francine Sotelo; and
5. For such other relief be granted as the Court considers proper.

Atty Wall, Jeffrey L (for Former Administrator Kirk Hagopian)
 Atty Morris, Michael J (for Objectors Brandenburger & Davis)

**Second Amended First and Final Account and Report of Administrator
and Petition for Its Settlement and Approval**

DOD: 12/7/11	KIRK HAGOPIAN , former Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 12/3/14. Minute order states Mr. Wall advises that his client is currently in Federal custody for the next 15 months. Mr. Wall is to file a copy of an itemized bill from Mr. Hammerschmidt by 1/7/15. 1. Need Order 2. Petition states 9,500.00 was paid to attorney Jeff Hammerschmidt as a retainer for his services to file an action against Gaylene Bolanos and her confederates. Court may require more information as to the litigation and the status of the retainer paid to attorney Hammerschmidt. Note: If Mr. Hammerschmidt did not do any work as alleged, then the retainer should be returned. Mr. Hagopian should have received a billing statement from Mr. Hammerschmidt regarding the retainer. The Court will require a copy of the billing statement showing what portion of the retainer was used and what it was used for. Please see additional page.
Cont. from 061614, 072914, 120314	Kirk Hagopian resigned as Administrator and Gloria Hagopian was appointed Successor Administrator on 5/27/14. All funds except \$5,000.00 were ordered into a blocked account (receipt filed on 7/11/14)	
Aff.Sub.Wit.		
✓ Verified		
✓ Inventory		
✓ PTC	Account period: 8/12/12 – 5/5/14	
✓ Not.Cred.	Accounting - \$229,763.00 Beginning POH- \$213,413.08 Ending POH - \$166,207.96	
✓ Notice of Hrg	W/	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
✓ Letters	Petitioner states that certain cash assets at the time of decedent's death were wrongfully taken by Gaylene Bolanos and her confederates. Petitioner is represented by Fresno attorney Leigh Burnside in a pending action against Gaylene Bolanos and others to recover the wrongfully taken property. Inventory and appraisal, partial no. 1 shows a bank account totaling \$10,268.71 at the time of decedent's death. Petitioner believes that Gaylene Bolanos misappropriated all of the money in the account, because the account was empty when Petitioner presented Letters to the bank after the opening of the estate. Petitioner believes there were other accounts taken by Gaylene Bolanos, but Petitioner did not inventory them because he lacks records that would show the balances.	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order	X	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
Please see additional page		Reviewed by: KT Reviewed on: 1/6/15 Updates: Recommendation: File 7 - Smart

Petitioner states prior to mid-January 2013 the estate had no cash for payment of decedent's funeral expenses, the expenses to maintain decedent's real property prior to sale, and the retainer requested by the attorney Petitioner hired to take action against Gaylene Bolanos and her confederates. Petitioner borrowed \$10,900.00 from a friend named Rich Curll, to pay those expenses.

Petitioner prays for an Order:

1. The first and final account and report of Petitioner as Administrator be settled, allowed and approved as filed;
2. All acts and proceedings of Petitioner during his tenure as Administrator of the Decedent's estate be confirmed and approved;
3. Such further order as the Court considers proper.

Note: Objections filed by Brandenburger & Davis, an heir search company and assignee a portion of the individual interest of several of the intestate heirs of the Decedent, were filed on 6/12/14 (in relation to the previously filed accounting. Many of the issues raised are relevant to this amended accounting). Objector states they represent the interests of intestate heirs on the decedent's paternal side. Decedent's father had four sibling, all of whom are deceased. The persons listed in the objections are issue of those siblings and they are 1st cousins or, in some cases 1 cousins once removed of the decedent. Brandenburger and Davis will file a Petition to Determine Heirship in this matter, if necessary. The persons listed in Petitioner's petition are from the decedent's maternal side. Objector believes that all of the siblings of the decedent's mother, Dolores Milano, died without issue and so the closest maternal heirs of the decedent are second cousins or more remote heirs.

Objector objects to the Petition on the following grounds:

- a. The accounting shows \$9,500 to attorney Hammerschmidt, but there is no details of why Mr. Hammerschmidt was retained or what services he rendered.
- b. In a separate filing in this matter on 10/9/13 to compel delivery of the estate under Probate Code §850, the Petitioner asserts that he inquired about the decedent's assets between January and April 2012 and by April became suspicious of the respondents named in the §850 petition. He alleges that no less than \$150,000 of the estates assets were wrongfully taken. Petition further states that \$10,268.71 which was shown on the opening inventory, partial no. 1 was not in the bank account when the Petitioner presented his Letters of Administration to the bank after the estate was opened. No explanation is offered as to how the respondents in the §850 petition were able to access an account in the name of the decedent or what action was taken, if any, he took to learn from the bank how the funds were released to anyone other than the Petitioner.
- c. The fact that Petitioner may have been duped by people he liked does not relieve him of his fiduciary duties to the estate and its beneficiaries. The Petitioner should provide greater detail of his activities as Administrator.
- d. No bond was required of the Petitioner because he filed waivers of bond by the seven individuals whom he represented where the issue of the decedent's grandparents and the only persons entitled to inherit the estate. Objector believes that the persons who waived the bond are the issue of the great-grandparents of the decedent and, therefore, not the 1st cousins as represented by the Petitioner. Petitioner has not shown that he made any attempt to determine if there were closer heirs before obtaining waivers of bond.

Please see additional page

Additional page 2 of 2

Wherefore Objector prays that:

1. The Petition be denied.
2. That the Petitioner's actions as Administrator not be confirmed or approved;
3. That the Petitioner be ordered to provide a more complete and correct accounting of his actions as Administrator;
4. That the Court reserve jurisdiction to determine if the Petitioner should be surcharged for his actions as Administrator.

(1) First and Final Account and Report of Personal Representative, (2) Petition for Settlement, for (3) Allowance of Attorneys' Fees for Ordinary Services, Costs, and for (4) Final Distribution

DOD: 4/14/12		SANTOS PEREZ , Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 11/10/14. Minute order states the issue with the Department of Health Services (DHS) needs to be resolved. – Status Report filed 12/23/14 states a letter was mailed to DHS on 11/10/14 requesting consent or otherwise. As of this date no response has been received. A follow up letter was sent on 12/11/14 requesting a response to the 11/10/14 letter. 1. Petition proposes to distribute the 1997 Automobile to Petitioner. Petitioner is not an heir to this estate. Therefore the property should be distributed to the heirs. 2. Petition proposes to distribute the real property subject to a life estate in favor of the petitioner, who is not an heir to this estate. Two of the beneficiaries, Mike Chavez and Richard Flores, Jr. have signed a Renunciation in favor of Petitioner for a life estate in the real property. The other two beneficiaries Isabel Alvarez and Sylvia Alaniz have not agreed the property being distributed subject to a life estate. Please see additional page
		Current bond: \$78,000.00	
		Account period: 4/14/12 – 8/21/14	
Cont. from 111014			
<input type="checkbox"/>	Aff.Sub.Wit.	Accounting - \$96,400.00	
<input checked="" type="checkbox"/>	Verified	Beginning POH - \$96,400.00	
<input checked="" type="checkbox"/>	Inventory	Ending POH - \$96,400.00	
<input checked="" type="checkbox"/>	PTC	Administrator - waives	
<input checked="" type="checkbox"/>	Not.Cred.	Attorney (statutory) - \$3,856.00	
<input checked="" type="checkbox"/>	Notice of Hrg	Costs - \$1,724.70 (filing fees, publication, probate referee, bond, recorder fees and certified copies)	
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	Creditor: Department of Health Care Services - \$30,826.13	
<input type="checkbox"/>	Conf. Screen	Petitioner states he and the decedent lived together in the estate real property since 1987 until decedent's death in 2012. During the time that petitioner resided with decedent on the real property, he paid the mortgage payments each month, the maintenance and upkeep, and the annual property taxes. The decedent and petitioner agreed that petitioner would have a life estate in the property. Petitioner has continued to pay said expenses since the date of death of the decedent. Mike Chavez and Richard Flores, Jr. children of the decedent, executed a Renunciation in Favor of Santos Perez for a Life Estate; Isabel Alvarez and Sylvia Alaniz, daughters of the decedent did not execute such Renunciation.	
<input checked="" type="checkbox"/>	Letters	6/18/13	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice	Please see additional page.	

Petitioner seeks to distribution of a life estate in the real property under the principle of estoppel. The real property will be subject to a lien in favor of the of the Department of Health Care Services of the State of California until the death of Santos Perez, or the sale of the real property, and subject to the lien of Quinlan, Kershaw and Fanucchi, LLP for attorneys' fees and costs with interest at 10% per annum from the date of the order. In addition the property would be distributed subject to a lien in favor of the Department of Health Care Services in the amount of \$30,826.13 with interest accruing at 7% per annum from the date of recording of the Order and subject to a lien in favor of Quinlan, Kershaw and Fanucchi, LLP, for attorney fees and reimbursement of costs of administration.

Proposed distribution is to:

Santos Perez	-	1997 Chevy Automobile and a life estate in the real property
Mike Chavez (son)	-	1/4 th Interest in the real property
Isabel Alvarez (daughter)	-	1/4 th Interest in the real property
Richard Flores, Jr. (son)	-	1/4 th Interest in the real property
Sylvia Alaniz (daughter)	-	1/4 th Interest in the real property

NEEDS/PROBLEMS/COMMENTS (cont.):

- Petitioner proposes to distribute the real property subject to a lien in favor of the Department of Health Care Services for their creditor's claim in the amount of \$30,826.13. However there is nothing indicating that the Department of Health Care Services is in agreement.

(1) First and Final Account and Report of Conservator; (2) Petition for Allowance of Compensation to Conservator and His Attorney; (3) and Distribution

DOD: 07/01/2014		PUBLIC GUARDIAN , Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 04/15/2013 – 07/01/2014	
Cont. from		Accounting - \$240,613.84	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$218,430.97	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$104,332.64	
<input type="checkbox"/>	Inventory	Subsequent Account Period: 07/02/2014 – 07/23/2014	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Accounting - \$105,613.61	
<input checked="" type="checkbox"/>	Aff.Mail	Beginning POH - \$104,332.64	
	w/	Ending POH - \$105,613.61	
<input type="checkbox"/>	Aff.Pub.	Conservator - \$4,507.72 (24.67	
<input type="checkbox"/>	Sp.Ntc.	Deputy hours @ \$96/hr and 28.15 Staff hours @ \$76/hr)	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen	Attorney - \$3,750.00 (per Local Rule)	
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp	Bond - \$330.15 (o.k.)	
<input type="checkbox"/>	Objections	Court Fees - \$643.00 (Filing Fees, Certified Copies)	
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report	Petitioner prays for an Order:	
<input type="checkbox"/>	9202	1. Approving, allowing and settling the third first and final account.	
<input checked="" type="checkbox"/>	Order	2. Authorizing the conservator and attorney fees and commissions.	
<input type="checkbox"/>	Aff. Posting	3. Payment of the Bond fee.	
<input type="checkbox"/>	Status Rpt	4. Authority to distribute the remaining \$95,947.74 to Lance Crow, surviving grandson.	
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: LV
Reviewed on: 01/06/2015
Updates:
Recommendation:
File 9 - Henrichs

1) First Account Current and Report of Conservator, and 2) Petition for Allowance of Compensation to Conservator and Attorney

Age: 76 years		PUBLIC GUARDIAN , Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 7/16/13 – 7/15/14	Note: If the petition is granted, A status hearing will be set as follows:
Cont. from		Accounting - \$391,615.37	<ul style="list-style-type: none"> Wednesday, October 19, 2016 at 9:00 a.m. in Department 303, for the filing of the second account. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$368,378.24	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$330,409.52	
<input type="checkbox"/>	Inventory	Conservator - \$9,246.44	
<input type="checkbox"/>	PTC	(65.64 Deputy hours @ \$96/hr and 38.75 Staff hours @ \$76/hr)	
<input type="checkbox"/>	Not.Cred.	Attorney - \$4,980.00	
<input checked="" type="checkbox"/>	Notice of Hrg	(33.20 hours @ \$150/hr.)	
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Bond fee - \$432.06	
<input type="checkbox"/>	Pers.Serv.	(o.k.)	
<input type="checkbox"/>	Conf. Screen	Court fees - \$312.00	
<input type="checkbox"/>	Letters	(certified copies)	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections	Petitioner prays for an Order:	
<input type="checkbox"/>	Video Receipt	1. Approving, allowing and settling the first account;	
<input type="checkbox"/>	CI Report	2. Authorizing the conservator and attorney fees and commissions;	
<input type="checkbox"/>	9202	3. Payment of the bond fee;	
<input checked="" type="checkbox"/>	Order	4. Payment of court fees.	
<input type="checkbox"/>	Aff. Posting		Reviewed by: KT
<input type="checkbox"/>	Status Rpt		Reviewed on: 1/6/15
<input type="checkbox"/>	UCCJEA		Updates:
<input type="checkbox"/>	Citation		Recommendation:
<input type="checkbox"/>	FTB Notice		File 10 - Cowling

In Re: Gloria E. Zsiba Revocable Trust

Horton, Lisa (for Anton Kremer – Trustee/Petitioner)

Russo, Peter (for Kevin Lee Tracy – Objector/Respondent)

Petition to Invalidate Trust Dated October 1, 2013 and any Amendments on the Grounds of Undue Influence and Incapacity; to Confirm Validity of Trust Dated April 5, 2005 as Restated on August 25, 2006 and Amended on January 14, 2009 and all Assets Held by 2005 Trust; Petition to Determine Validity of Transfer of 2005 Trust Assets; Fraud; Breach of Trust; for Financial Elder Abuse of a Dependent Adult; for Imposition of a Constructive Trust on Wrongfully Transferred Assets; for Trust Accounting; for Double Damages; for Attorney Fees and Cost of Suit; and for Punitive Damages

DOD: 10/14/13		<p>ANTON KREMER, trustee of the GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated 04/05/05 as Restated on 08/24/06 and Amended on 01/14/09, and intestate heir of GLORIA E. ZSIBA, is Petitioner.</p> <p>Petitioner alleges:</p> <ol style="list-style-type: none"> GLORIA ELIZABETH ZSIBA aka GLORIA E. ZSIBA (hereinafter referred to as "Decedent") died on 10/14/13. At the time of her death, she was a resident of Fresno County and left real and personal property in Fresno County. Decedent had three living children, Petitioner, Kevin Lee Tracy (hereinafter "Respondent"), and Kenton N. Tracy; and one deceased daughter, Teresa Chambless. In addition, Decedent had 7 grandchildren. Decedent's spouse, Alexander J. Zsiba predeceased her. On 04/05/05, Decedent executed THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT (the "2005 Trust"). Respondent was named as the successor trustee. According to the 2005 Trust, the trust estate was to be distributed as follows to her Spouse, if he survived her: <ol style="list-style-type: none"> A life estate in decedent's residence, and the sum of \$70,000 to be set aside and paid monthly in the sum of \$1,000 for his living expenses. <p>Upon either her spouse's death or if he failed to survive her, the trust estate balance was to be distributed as follows:</p> <ol style="list-style-type: none"> 3/4 equally to Decedent's three children – Respondent, Kenton Tracy, and Petitioner. 1/4 equally to the children of decedent's deceased daughter, Teresa Chambless. <p style="text-align: right;">Continued on Page 2</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 11/17/14 Minute Order from 11/17/14 states: Mr. Russo represents to the court that settlement has been reached and he is requesting an additional 30 days; Ms. Horton is drafting the agreement and order. Ms. Horton and Mr. Russo are both ordered to be personally present on 01/12/15 if the agreement is not on file.</p> <p>As of 01/07/15, nothing further has been filed.</p> <p>The following notes remain:</p> <ol style="list-style-type: none"> Need Order. Petitioners have requested relief related to elder abuse and undue influence allegations and request an award of punitive damages. Probate Code §17200 states a trust petition can be filed concerning the internal affairs of a trust or to determine the existence of a trust. This does not include provisions for elder abuse. The allegations in the pleadings are primarily brought under the Welfare and Institutions Code concerning elder abuse, therefore, this case may be more appropriately heard in the civil court rather than the probate court. Need proof of service by mail at least 30 days before the hearing of all persons entitled to notice in this matter. Note: Proof of service has only been filed reflecting personal service on Peter Russo on behalf of his client, Kevin Lee Tracy. It is insufficient to serve a party in "care of" another, therefore also need proof of service by mail at least 30 days before the hearing on Kevin Lee Tracy. 	
Cont. from 030314 060214, 101414, 101614, 111714				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			w/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order	x		
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

5. Also on 04/05/05, decedent signed a Grant Deed to Trust ("2005 Deed") transferring her residence located at 3260 E. Kerchoff in Fresno to herself as trustee under the 2005 Trust. Decedent did not execute or record any grant deed thereafter, so the decedent's real property remained in the 2005 Trust until decedent's death.
6. Petitioner alleges that decedent made a subsequent amendment to the 2005 Trust placing Petitioner as successor trustee.
7. On 08/24/06, decedent executed THE RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT ("2006 Restatement"). The 2006 Restatement revoked the prior amendment(s) made to the 2005 Trust and placed Respondent back as successor trustee. Petitioner alleges that the 2006 Restatement was drafted by Respondent after he learned that decedent had made an amendment to her 2005 Trust placing Petitioner as successor trustee.
8. Petitioner states that decedent owned a Merrill Lynch (also known as Merrill Edge) account ending in 5148 and held cash and mutual funds. This account was titled and held in the name of the 2006 Restatement. Petitioner states that the title of this account was never changed and her assets in the Merrill Lynch account remained in the name of the 2006 Restatement until her death.
9. On 01/14/09, decedent executed an AMENDMENT TO RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT (the "2009 Amendment"). The 2009 Amendment revoked Article IV of the 2006 Restatement and placed Petitioner as successor trustee with Respondent as the second alternate successor trustee. Decedent did not change the prior distribution of the trust estate.
10. Petitioner alleges that decedent also executed a LAST WILL AND TESTAMENT OF GLORIA E. ZSIBA (the "2009 Will"). The 2009 Will states specific bequests of personal items and furniture to all three of her children and then sets forth distribution of all of her furniture, furnishings, household equipment and any vehicle(s) owned to be distributed $\frac{3}{4}$ equally to her three living children and $\frac{1}{4}$ equally to the children of her deceased daughter. This follows the same distribution set forth in the 2005 Trust and 2006 Restatement.
11. The 2009 Will not only states that decedent had a deceased daughter, but it also specifically names her daughter's heirs at law. The 2009 Will also nominates Petitioner as the first executor and Respondent as the alternate executor.
12. Petitioner states that he took care of and handled decedent's day to day needs from 1997 to 09/09/13. Petitioner alleges that Respondent and his other brother, Kenton Tracy, went years without contact with decedent, and on or about the third week of August 2013, Respondent showed up at decedent's residence. Petitioner states that decedent informed Respondent that she intended to change the 2006 Restatement to leave her home to Petitioner so that the house remained in the family and Petitioner would take care of her cats. Petitioner alleges that this amendment was prepared and signed, but decedent was not able to have it notarized.
13. Petitioner states that decedent wanted to die at home, in her bed with her beloved cats nearby.
14. Petitioner states that on or about 09/09/13 and thereafter, Respondent kept Petitioner away from decedent, which was against decedent's wishes.
15. Petitioner alleges that during the week of 09/09/13, Respondent removed the decedent's check book and debit card from her possession and never returned them.
16. Petitioner alleges that on 09/16/13, Respondent took possession of the decedent's vehicle.
17. Petitioner alleges that from 09/09/13 to present, he has been denied access to decedent's house and cats, under threats of physical violence. Petitioner's vehicle is in the garage at decedent's residence and Respondent will not let Petitioner have access to it.
18. Petitioner alleges that around 09/20/13, Respondent attempted to file a Power of Attorney with Merrill Lynch granting himself control of decedent's Merrill Lynch account. On or about 09/25/13, the Power of Attorney was returned by Merrill Lynch as unacceptable.

19. Petitioner alleges that decedent's health declined significantly after Respondent prevented Petitioner from seeing and caring for decedent beginning on or about 09/09/13.
20. Petitioner alleges that on 09/26/13, due to Respondent's inadequate care of her health needs, decedent became very ill and her left foot became gangrenous which required amputation.
21. Petitioner alleges that on or about the night of 10/01/13, Respondent coordinated the drafting of a new Living Trust and Will with APS Document Service and hired them to come to decedent's hospital room at Kaiser. Decedent was scheduled to have her left foot amputated the next day. Petitioner alleges that decedent did not hire APS Document Service nor were they hired at her request. Petitioner alleges that while decedent was heavily medicated, she executed THE GLORIA ELIZABETH ZSIBA LIVING TRUST (the "2013 Trust").
22. Petitioner alleges that under the terms of the 2013 Trust, Respondent is the only named successor trustee. The 2013 Trust also sets forth a completely different distribution plan than any of her previous estate planning documents. Under the 2013 Trust the distribution of the trust estate will solely go to five of Decedent's grandchildren. The 2013 Trust specifically left nothing to Decedent's three living sons, never mentioned her deceased daughter and forgot two of decedent's grandchildren.
23. Petitioner alleges that along with the 2013 Trust, while decedent was heavily medicated and very ill, she executed THE LAST WILL AND TESTAMENT OF GLORIA ELIZABETH ZSIBA (the "2013 Will").
24. Petitioner alleges that the 2013 Will only mentions decedent's three living sons. It does not state that she had a predeceased daughter, nor does it mention the predeceased daughter's heirs at law. The 2013 Will gives all of the Decedent's real and personal property to the 2013 Trust and nominates only Respondent as the Executor.
25. Petitioner alleges that at the time decedent signed the 2013 Trust and the 2013 Will, Kaiser Permanente Hospital believed she was incompetent for the purposes of making medical decisions. Respondent was using a medical Power of Attorney or an Advanced Health Care Directive to make medical decisions for decedent.
26. Petitioner alleges that on 10/03/13 during a bone biopsy, a blood clot caused decedent to have a massive stroke. Petitioner alleges that Kaiser wanted to coordinate in home care so that decedent could live the rest of her days comfortably in her own home as she wanted.
27. Petitioner alleges that Respondent instead transferred decedent to Hinds Hospice and rented out all of decedent's rooms in her home.
28. Petitioner states that decedent did not recover from the stroke, remained unable to speak or communicate for two days and was then unconscious until her death 12 days later. Petitioner alleges that decedent was alienated from her family and left to die alone, in a strange place. Decedent was 79 years old at the time of her death.
29. Petitioner as the named successor trustee under the 2009 Amendment to the 2006 Restatement recorded an Affidavit of Successor Trustee-Death of Trustee and Trustee's Certification on 11/05/13.
30. Petitioner states that after decedent's death, he sent a Trustee Certification form to Merrill Lynch along with copies of the 2006 Restatement and 2009 Amendment so that Petitioner could collect the funds from decedent's Merrill Lynch account to administer them under the 2006 Restatement.
31. Petitioner alleges that Respondent separately filled out the forms and sent copies of trust documents to Merrill Lynch. Petitioner alleges that Merrill Lynch was fully aware that both Petitioner and Respondent were claiming to be decedent's successors in interest to the funds.
32. Petitioner alleges that on 11/14/13 or thereafter, Merrill Lynch transferred approximately over \$40,000.00 from the decedent's account ending in 5148 to an account a Bank of America in Respondent's name. Petitioner alleges that he and his counsel have tried several times to get information from Merrill Lynch regarding the distribution, specifically what forms were submitted by Respondent to attain the funds and why Merrill Lynch distributed the funds to Respondent instead of depositing the funds with the Court.

Continued on Page 4

33. Petitioner alleges that the transfer of the funds from decedent's Merrill Lynch account to Respondent was not a valid transfer. The account was held in the name of decedent's 2006 Restatement and the funds should have been transferred to Petitioner as the named successor trustee under the 2009 Amendment. Petitioner requests that the Court find the transfer of funds from decedent's Merrill Lynch account was not valid.
34. Petitioner alleges that Respondent is currently in possession of over \$40,000.00 in funds belonging to decedent's 2006 Restatement of Trust. Petitioner requests that these funds be transferred to Petitioner as successor trustee of the 2006 Restatement.
35. Petitioner alleges that decedent also owned a 2003 Saturn L3, a Bank of America checking account with approximately \$7,000.00 and another bank account.
36. Petitioner alleges that Respondent has possession of and is using decedent's Saturn L3 and has taken all of the funds from her Bank of America checking account. Petitioner requests that all of decedent's personal property be transferred to Petitioner as named Executor of the 2009 Will.
37. Petitioner alleges that on or about 12/10/13, Respondent recorded an Affidavit of Death of Trustee (the "December Affidavit"). Petitioner alleges that the December Affidavit states that Respondent is the successor trustee of the 2005 Trust and "designated and empowered pursuant to the terms of the trust to serve as Trustee thereof." Petitioner alleges that there are no amendments or documents known to Petitioner placing Respondent as the successor trustee of the 2005 Trust or the successor trustee of the 2006 Restatement.
38. Petitioner alleges that Respondent fraudulently recorded the December Affidavit when he was not in fact the successor trustee of the 2005 Trust and had knowledge that Petitioner was the named successor under the 2009 Amendment.
39. Petitioner alleges that the 2013 Trust and 2013 Will were executed at the direct result of undue influence exerted by Respondent over decedent, and that decedent lacked capacity to execute testamentary instruments when the 2013 Trust and Will were executed. Petitioner alleges that decedent was mentally and physically impaired due to being medicated for her severe illness as well as going through withdrawals from Ativan. Petitioner alleges that Kaiser Permanente believed decedent lacked capacity to make medical decisions.
40. Petitioner alleges that the 2013 Trust is contrary to decedent's previous expressed intent and estate plan that decedent had in place for several years and that her mental and physical condition were so deteriorated that Respondent was able to subvert his will over her to execute the 2013 Trust and Will causing her to dispose of her property differently than she would otherwise have done.
41. Petitioner has been damaged by the actions of Respondent, Respondent knew or should have known his conduct was likely to be harmful to Petitioner.
42. At all relevant times, the decedent was a dependent adult as defined by WIC § 15610.30 in that she was over the age of 65 when the alleged actions took place. Respondent had the care and custody of decedent three weeks prior to her being hospitalized.
43. Petitioner alleges that during this period of time, Respondent was influencing decedent in her affairs, secreting her from family, and causing her to make drastic changes to her estate plan that had been in place for some time. Respondent's conduct constituted financial abuse under WIC § 15610.30. Respondent is therefore liable for reasonable attorney fees and costs under WIC § 15657.5.
44. Respondent is guilty of recklessness and oppression and fraud in the commission of the abuse described in this petition.
45. Petitioner alleges that Respondent placed himself in a position of successor trustee of the 2013 Trust and took actions that altered the intended disposition of decedent's estate as set forth in her 2006 Restatement, all to the detriment of Petitioner and other family members. As a result of his actions, Respondent should be removed as trustee and should be held to account for all actions taken by him as successor trustee of the 2013 Trust and all assets he has wrongfully taken from the 2006 Restatement. Petitioner requests that the Court order Respondent to file an accounting with the Court detailing his acts as trustee of the 2013 Trust, and direct that said accounting be filed no later than thirty (30) days after the court makes its order.

Continued on Page 5

46. Petitioner states that under Probate Code § 859, Respondent is liable for an amount equal to twice the value of the property recovered from the invalid transfer of funds from decedent's Merrill Lynch account and the decedent's real and personal property and under Civil Code § 3294, Respondent is liable for punitive damages.

Petitioner prays for an Order:

1. The Court revoke and rescind the GLORIA ELIZABETH ZSIBA LIVING TRUST dated 10/01/13;
2. Confirming that the RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT executed 08/24/06 and the AMENDMENT TO RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT executed 01/14/09 are valid;
3. Confirming that decedent's real property residence located at 3260 E. Kerckhoff in Fresno belongs to and is an asset of the GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated 04/05/05 as Restated on 08/24/06;
4. Confirming the decedent's remaining personal property not titled in the name of her trust should be distributed in accordance with the LAST WILL AND TESTAMENT OF GLORIA E. ZSIBA executed on 01/14/09;
5. Confirming that the funds previously held in decedent's Merrill Lynch account ending in 5148 belong to and is an asset of the RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT executed 08/24/06;
6. Determining that the transfer of all funds from Merrill Lynch account ending in 5148 to Respondent, Kevin Lee Tracy, be deemed invalid;
7. Imposing a constructive trust on all real and personal property held by Respondent obtained by the GLORIA ELIZABETH ZSIBA LIVING TRUST dated 10/01/13 and the LAST WILL AND TESTAMENT OF GLORIA ELIZABETH ZSIBA dated 10/01/13;
8. Declaring that Respondent, Kevin Lee Tracy, committed fiduciary abuse and financial elder abuse as those terms are defined in WIC §§ 15610.30 and 15657.5;
9. For costs of suit including reasonable attorney's fees, as provided by law;
10. For an amount equal to twice the value of the property recovered, pursuant to Probate Code § 859;
11. For punitive damages as provided by law; and
12. For other relief the Court deems just and proper.

Objections by Respondent, Kevin Lee Tracy, to Petitioner's Petition to Invalidate Trust Dated 10/01/13 and Any Amendments on the Grounds of Undue Influence and Incapacity, etc. filed 04/01/14 states:

Respondent objects to all allegations as alleged on the grounds that the GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated April 5, 2005 as Restated on August 24, 2006 and Amended on January 14, 2009 is a revocable living trust which was revoked when the new and correct 2013 Trust was created. Respondent admits and denies various allegations in the Petition and further states/alleges:

1. The 2006 Trust and any will alleged to have been executed on or about 2006 as well as the Restatement in 2009 were revoked by the decedent with the execution of the 2013 Trust and 2013 Will dated 10/01/13.
2. Decedent made an amendment to the 2005 Trust placing the Petitioner as successor trustee while she was highly medicated and incapacitated. Decedent was manipulated by Petitioner and Decedent in fact did not remember what changes had been made due to her condition of sedation. Petitioner financially abused Decedent for years preceding her death.
3. On 08/26/06, Decedent executed "THE RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT" ("2006 Restatement"). The 2006 Restatement revoked the prior amendment(s) made to the 2005 Trust and placed Respondent back as Successor Trustee. The 2006 Restatement was drafted after mishandling of the Decedent's funds was discovered, perpetrated by Petitioner. The Decedent was so incapacitated during the time the amendments to the 2005 Trust were drafted; she did not even know what the Amendments entailed. No one received copies of the amendments, including the decedent. Wanting her true and correct wishes to be carried out, she revoked all amendments by drafting the 2006 Restatement.
4. The 2009 Amendment revoked Article IV of the 2006 Restatement and placed Petitioner as Successor Trustee with Respondent as the second alternate successor trustee. Decedent did not change the prior distribution of the trust estate. Decedent was still under heavy sedation due to her misuse of the drug Ativan. Petitioner once again took advantage of her debilitated state and manipulated the Decedent into making the 2009 Amendment.

5. At the same time Decedent was manipulated into making the 2009 Amendment, she also executed a "LAST WILL AND TESTAMENT OF GLORIA E. ZSIBA" ("2009 Will"). The 2009 Will states specific bequests of personal items and furniture to all three of her children and then set forth distribution of all her furniture, furnishings, household equipment, any vehicle(s) owned by decedent to be distributed 3/4ths equally to decedent's 3 children, Respondent, Petitioner, and Kenton Tracy and 1/4th equally to the children of Decedent's predeceased daughter. This was done while the Decedent was heavily sedated and highly addicted to Ativan. Decedent was not lucid or with a clear mind. Petitioner coerced Decedent into these changes for self-serving purposes.
6. Respondent alleges that Petitioner was known to the family as a drug abuser and would only come around the Decedent's home at night. Kenton Tracy lived out of town and would visit when he could and called often. Respondent visited often as work permitted and called Decedent daily. Petitioner shopped occasionally for Decedent which required use of her vehicle, credit cards, and checks. Petitioner would disappear with Decedent's car and funds for weeks at a time and refuse to return them. Petitioner only helped Decedent when it benefitted him with the use of the car and/or gain funds from her accounts.
7. Petitioner refused to visit Decedent after he was unable to maintain a hold of her finances and the mishandling of her funds by him was brought to light. He was upset he could no longer manipulate her so he refused to see her.
8. Respondent, upon request of the Decedent did remove the vehicle from Petitioner's possession and return the vehicle to Decedent. Petitioner had again mishandled funds and taken control of the Decedent's vehicle. Decedent had requested Petitioner return the vehicle and he had refused. Only after Petitioner refused to return the vehicle did Decedent give Respondent the spare key to take possession of the vehicle and return it to its owner, the Decedent.
9. Petitioner did and would have continued to mishandle and financially abuse his elderly mother, the Decedent. Decedent had been take off the Ativan she was overmedicating with and was again alert and lucid. At that time she was done getting mistreated by the Petitioner and no longer wished him to have access to her funds.
10. Petitioner refused to see his mother and was angry that he had been discovered to be financially abusing decedent and no longer had access to her funds.
11. With surgery pending, Decedent wanted her affairs to be in order in the event surgery didn't go well. She wanted her true and final wishes to be carried out. Decedent was completely alert and aware of what she was doing when she executed THE GLORIA ELIZABETH ZSIBA LIVING TRUST ("2013 Trust").
12. Under the terms of the 2013 Trust, Respondent is the only names successor trustee. This is because the Decedent had lost all trust and confidence in the Petitioner after learning he had been financially abusing her for years. The 2013 Trust also set forth a completely different distribution plan than any of her previous estate planning documents. The events in the previous years leading up to the drafting of the 2013 Trust created and enforced her desire to leave the entirety of her estate to her five grandchildren she had contact and relationships with. She did not "forget" two of her grandchildren. It was her specific intent to leave them out as well as her children, whom she felt had already received enough from her, as specifically stated in the 2013 Trust.
13. Decedent was alert, lucid, and with a clear mind when she executed THE LAST WILL AND TESTAMENT OF GLORIA ELIZABETH ZSIBA ("2013 Will").
14. Decedent was completely competent for the purpose of making medical decisions when Kaiser Permanente Hospital asked her to name a medical Power of Attorney in the event her amputation did not go well. Had she been incompetent, Kaiser would not have allowed her to choose a medical Power of Attorney herself and would have instead appointed one for her. The Decedent herself appointed the Respondent as her medical Power of Attorney in direct contradiction of the allegation that she was incompetent to make her own decisions.
15. After the foot amputation went well, Respondent had high hopes she would be able to return home, but unfortunately, a few days later a blood clot reached her brain and she became brain dead. Respondent moved her to Hinds Hospice where she spent her last days in the company of all of her loved ones, except for Petitioner, who refused to visit her. Respondent felt Hinds Hospice was the most appropriately equipped facility to care for Decedent during her final days.

Continued on Page 7

16. Decedent was surrounded by her loved ones while at Hinds Hospice with the exception of Petitioner who refused to visit her in her final days. Petitioner abandoned his mother the moment his self-serving manipulations no longer were effective. Petitioner has always and continues to only think of himself and financial gain through fraud, manipulation and lies.
17. Petitioner, through invalid trust documents, unlawfully recorded through Affidavit the deed to Decedent's house with an outdated trust, claiming to be trustee for his sole financial gain. Petitioner knew of the 2013 Trust and had a copy. He submitted outdated, invalid documents knowing they were not valid with the intention of defrauding Decedent's grandchildren.
18. Petitioner also tried to collect funds from Decedent's Merrill Lynch account using the outdated/invalid documents, claiming to be trustee for his sole financial gain. He knew the documents were not valid. Merrill Lynch eventually recognized the 2013 Trust as the true and correct trust document.
19. Respondent sent copies of the 2013 Trust, the true, correct and complete trust as desired by Decedent. Merrill Lynch was fully aware both Petitioner and Respondent were claiming to be Decedent's successor in interest to the funds. Merrill Lynch, after a brief investigation, held that the 2013 Trust was the valid trust and monies were released to Respondent who in turn executed the wishes of the Decedent by disbursing the funds to the heirs, her grandchildren she had contact with, as outlined in the 2013 Trust.
20. Decedent's 2013 Trust was the final, complete and correct trust, revoking all others. Respondent is requesting the court find the transfer of funds from the Decedent's Merrill Lynch account be held as valid.
21. All funds released to Respondent as trustee of the 2013 Trust were disbursed to the Decedent's grandchildren she had contact with per her wishes as outlined in the 2013 Trust.
22. On or about 12/09/13, Respondent recorded an Affidavit of Death of Trustee.
23. The 2013 Trust and 2013 Will were executed as a direct result of the previous undue influence exerted by Petitioner on numerous occasions while Decedent was under the influence and heavily sedated with the drug Ativan. The 2013 Trust and 2013 Will were drafted and executed by the Decedent because she finally had a clear mind without the use of the Ativan and she no longer wanted to be financially abused by Petitioner, as evidenced by her 2013 Trust leaving nothing to her children and everything to her grandchildren.
24. Decedent was more lucid than she had been in years, finally being free from Ativan. She was clear headed and her mental capacities and abilities were completely intact. In fact, she was less likely to be influenced by others than she had been in years, and having been financially abused by the Petitioner for many years, she wanted her wishes to be restated and all other previous trusts to be revoked by the drafting and execution of the 2013 Trust and 2013 Will, which she signed in front of a witness and a notary, surrounded by people who love her.
25. Decedent did place her trust in Respondent after she lost all trust in Petitioner following his mishandling of her funds and theft of tens of thousands of dollars of Decedent's money. Decedent was never secluded from Petitioner through anyone's decision but his own, when he chose to abuse his mother and take advantage of her confused state. Petitioner is in fact the one who refused to be with his mother throughout her last days and essentially abandoned her after he lost control of her finances.
26. Respondent states that he acted in good faith following the 2013 Will and 2013 Trust and requests that if the Court finds for the Petitioner, Respondent be excused from any punitive damages under Probate Code § 9601(b).

Respondent prays as follows:

1. The Court upholds and validates the GLORIA ELIZABETH ZSIBA LIBING TRUST dated 10/01/13;
2. Revoke and rescind the RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT executed 08/24/06 and the AMENDMENT TO RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT executed January 14, 2009 and hold they were revoked with the execution of the 2013 Will and 2013 Trust;
3. Deny that Decedent's real property located at 3620 E. Kerckhoff, Fresno belongs to and is an asset of the GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated 04/05/05 and Restated on 08/24/06;
4. Deny that the Decedent's remaining personal property not titled in the name of her trust be distributed in accordance with the LAST WILL AND TESTAMENT OF GLORIA E. ZSIBA executed on 01/14/09;

5. Deny that the funds previously held in Decedent's Merrill Lynch account ending in 5148 belong to and is an asset of the RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated 08/24/06;
6. Order the transfer of all funds from Merrill Lynch account ending in 5148 to Respondent, Kevin Lee Tracy, be deemed valid;
7. Prevent imposition of a constructive trust on all real and personal property held by Respondent, Kevin Lee Tracy, obtained by use of the GLORIA ELIZABETH ZSIBA LIVING TRUST dated 10/01/13 and the LAST WILL AND TESTAMENT OF GLORIZ ELIZABETH ZSIBA dated 10/01/13;
8. Order Petitioner disclose and release any assets he may have gained through the safe deposit box or any other means with the outdated documents;
9. For a declaration holding Respondent, Kevin Lee Tracy, innocent of fiduciary abuse and financial elder abuse as those terms are defined in Welfare and Institutions Code §§ 15610.30 and 15657.5;
10. For a declaration holding Petitioner, Anton Kremer, guilty of fiduciary abuse and financial elder abuse as those terms are defined in WIC § 15610.30;
11. For a declaration holding Petitioner, Anton Kremer, guilty of fraud as those terms are defined in Penal Code § 484;
12. For costs of suit including reasonable attorney fees and extraordinary expenses as provided by law, awarded to Respondent, Kevin Lee Tracy;
13. Deny any request for an amount equal to twice the value of the property recovered, pursuant to Probate Code § 859;
14. Punitive damages awarded to Respondent, as provided by law.

Declaration of Kevin Lee Tracy in Support of His Objections filed 04/01/14 states:

1. Gloria Zsiba ("Decedent") has three surviving children, Anton Kremer, Kenton Tracy and Kevin Tracy. She has a total of 7 grandchildren, five of whom she had contact with – Christian Chambliss, Ronald Miears, Anton Kremer, Mathew Tracy, and Cosmo Tracy. Kyle and Zachery, last names unknown, she has never been in contact with. Her husband, Alexander Zsiba, predeceased her.
2. In 2006, Alexander and Gloria, named Respondent (Kevin Tracy), as trustee of their estate.
3. In or about 2008, Alexander passed away. Gloria became depressed and her health declined. She began taking anti-depressants and anti-anxiety medications, including Ativan, a powerful and highly addictive drug. She began displaying side effects including sedation. While on these medications she could barely get out of bed.
4. In or about 2009, while Gloria was heavily medicated and incapacitated, her son Anton Kremer had her amend her 2006 trust.
5. No one was given copies of this amended trust and Gloria was so sedated she could not recall what changes were made.
6. Gloria relied heavily on others for her care. She did not leave the house and was heavily medicated. Her sons, Anton, Kenton & Respondent all assisted.
7. Anton (Petitioner) is known to the family to abuse drugs and only came around at night. Occasionally he would assist Decedent by doing her shopping which required him to use her vehicle, checks and credit cards. In time, Anton took over her accounts and took full possession of her vehicle.
8. In or about 2011, I received a call from Decedent's stock broker at Wells Fargo who was concerned about the amount that was being withdrawn, knowing Decedent was incapacitated and confined to her home. He stated that he called Adult Protective Services and made a report.
9. Upon investigation, Respondent learned that Anton had been taking the mail to hide the bank statements. Decedent requested duplicates and after sitting down with her stock broker it was discovered that Anton had been pilfering through her accounts and stealing tens of thousands of dollars.
10. On the advice of her broker, Decedent changed her account numbers, and got new checks and credit cards with Respondent's assistance. They also closed numerous credit cards Anton had opened in Decedent's name for his sole use and benefit. Respondent urged Decedent to pursue criminal charges for identity theft, fraud, and embezzlement, but Decedent could not bring herself to report her son.

Continued on Page 9

11. It was also discovered that Anton had both sets of keys to Decedent's safety deposit box and he refused to return them to Decedent upon request.
12. Decedent remained heavily medicated at this time and Anton eventually was able to access her accounts once again. At this time, Anton even persuaded Decedent to change her stock holding again, allowing him to secure hold over her finances.
13. In 2013, after Decedent became so ill she called an ambulance, the doctors determined that she was extremely over-medicating and was in fact addicted to Ativan. The doctors determined that she needed to be taken off the medication completely.
14. After being taken off the medications, her anxiety and panic attacks returned in full force. Respondent called on the family for help, making a daily rotation so that she was never alone. Eventually a full time, live in caretaker was hired. Anton stopped coming around and was nowhere to be found. He had abandoned the Decedent, taking her car and two checks for \$1,000 each with him.
15. As Decedent's medication wore off and the haze of the Ativan faded, she had many discussions with Respondent and her other son Kenton along with their wives and children. Anton's mishandling of her funds was discussed and Decedent wondered what changes had been made to her trust while she was plagued with the mental fog caused by the Ativan.
16. Decedent decided to make a new living trust leaving everything to her five grandchildren she had contact with and her only great-grandchild. To carry out he wishes she wanted Respondent to be appointed as trustee. Decedent also requested that Respondent retrieve her vehicle from Anton.
17. Eventually Decedent developed clots in her legs. Facing partial amputation of her foot, she wanted all of her affairs in order. With a clear mind and surrounded by her family, she signed a new living trust in the presence of a notary and a witness. At the same time, the hospital required her to make someone her medical power of attorney in case she could not make her own decisions. Knowing Respondent would always keep her best interests in mind, Decedent appointed him as power of attorney.
18. The foot surgery went well, but unfortunately, a few days later a blood clot reached her brain and she became brain dead, went to hospice and passed away thereafter. Anton refused to visit her during this time.
19. On the day she passed, Anton was provided with a copy of the 2013 Trust.
20. Respondent began to carry out Decedent's wishes according to the 2013 Trust. During this process, it was discovered that Anton had cleared out Decedent's safety deposit box.
21. Now Anton is trying to steal Decedent's grandchildren's inheritance, much like he stole continuously from the Decedent while she was alive.

Status Hearing Re: Settlement Agreement

		On 01/14/14, ANTON KREMER , trustee of the GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated 04/05/05 as Restated on 08/24/06 and Amended on 01/14/09, and intestate heir of GLORIA E. ZSIBA, filed a Petition to Invalidate Trust Dated October 1, 2013 and any amendments on the Grounds of Undue Influence and Incapacity, etc.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 111714		The matter was continued from 03/03/14 to 06/02/14 to 10/14/14 to 10/16/14.	CONTINUED FROM 11/17/14 Minute Order from 11/17/14 states: Mr. Russo represents to the court that settlement has been reached and he is requesting an additional 30 days; Ms. Horton is drafting the agreement and order. Ms. Horton and Mr. Russo are both ordered to be personally present on 01/12/15 if the agreement is not on file. As of 01/07/15, nothing further has been filed.
Aff.Sub.Wit.			
Verified		Minute Order from hearing on 10/16/14 set this matter for a status hearing re: Acceptance of Terms and Conditions of the Proposed Agreement and states: Ms. Horton advises the Court that they have an agreement. The Court directs Ms. Horton to prepare the settlement agreement.	
Inventory			
PTC		Status Hearing Report filed 01/07/15 states: On 10/14/14, the parties engaged in court mediation in Dept. 303 and on 10/15/14 the parties came to an agreement and settled the trust action. The terms of the settlement called for Respondent to sell decedent's house and pay \$20,000.00 to Petitioner as well as turn over certain items of personal property. On 11/14/14, Respondent did deliver some of the specified items, however other items were missing or broken beyond repair. Petitioner asks to be compensated for the items that were broken and that four Norman Rockwell plates be delivered to her. The return of these plates and other personal items were a major factor in Petitioner's decision to settle the matter. A monetary value of the broken, and missing items needs to be determined to make Petitioner whole. The house was sold in December and both parties have signed the settlement agreement. Petitioner's attorney has communicated these issues to Respondent's attorney, but Respondent maintains that he has complied with the settlement agreement. Both parties and their counsel spent numerous hours working towards a final settlement. Petitioner requests that this matter be set for further mediation with the court or further hearing to try and work through these issues so this matter can come to a final resolution.	
Not.Cred.			
Notice of Hrg		Reviewed by: JF Reviewed on: 01/07/15 Updates: Recommendation: File 11B – Zsiba	
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Vernon: 11-27-12		VANCE KACHADURIAN , Trustee, is Petitioner. Acct period: 12-30-12 through 2-21-14 Accounting: \$223,228.36 Beginning POH: \$218,648.23 Ending POH: \$0 Trustee waives compensation; however, \$4,437.66 was paid to the trustee for partial reimbursement of \$8,630.94 in expenses incurred. Attorney: Not addressed Petitioner states he took the following actions as trustee: <ul style="list-style-type: none"> Collected death benefits from Met Life xx131 of \$6,624.92 Removed all tangible personal property from settlors' residence, which is being stored (see petition for storage address) Closed Citibank Acct #xx502 and collected balance of \$4,437.66 as partial reimbursement for trust expenses Sold residence for \$207,900.00 Paid trust expenses of \$8,630.94 from Petitioner's personal assets because the balance of the Citi account #xx502 was the only liquid asset of the trust and was insufficient to cover the expenses Made distributions totaling \$200,507.79 to the three beneficiaries as follows: <ul style="list-style-type: none"> - Cynthia Erbil \$66,835.93 - Vanessa Kachadurian \$66,835.93 - Vance Kachadurian \$66,835.93 Petitioner states Citibank Acct #xx088 is not accounted for because it was held in joint tenancy in the names of Vernon Kachadurian and Vance Kachadurian and was not an asset of the trust at Vernon's death.	NEEDS/PROBLEMS/COMMENTS: Note: Petitioner alleges that beneficiary Vanessa Kachadurian took possession of various assets. It is unclear whether the acts alleged were prior to or after the deaths of the settlors, or if they took place during this account period. Petitioner does not request relief in connection with the allegations; the petition only seeks approval of Petitioner's actions as trustee for the period indicated. Therefore, the following items are noted for the Court's consideration regarding this request. Minute Order 9-23-14: Mr. Rube informs the Court that they are trying to agree on a settlement. Counsel and their clients are to personally appear unless matter settled and agreement filed. The following issue remain noted: <ol style="list-style-type: none"> Notice of Hearing filed 4-17-14 indicates that a copy of the accounting petition was <u>not</u> included in the mailing to the beneficiaries. Probate Code §17203 does not require that a copy of a petition under that section (internal affairs of a trust) be included; however, the Court may require clarification with respect to Probate Code §16060 et seq (duty to inform, account, etc.). <u>Have the beneficiaries been provided a copy of this petition?</u> Trust Exhibit A indicates that the trust originally contained two properties: One on N. Sixth Street that was sold as described in this petition, and another on E. Nees Avenue that is not mentioned in this petition. The Court may require clarification as to the disposition of the Nees Avenue property. The trust indicates that the life insurance policies indicated in Exhibit B are assets of the trust; however, Exhibit B is not attached. Petitioner indicates receipt and distribution of one policy (Met). The Court may require clarification as to whether there were any others mentioned in the trust's Exhibit B. The Court may require clarification as to the expenses incurred by Petitioner that were partially reimbursed.
Barbara: 12-30-12			
Cont. from: 051314, 071514, 092314, 102814			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	w/o		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
✓ Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

SEE ADDITIONAL PAGES

Reviewed by: skc

Reviewed on: 1-5-15

Updates: 1-7-15

Recommendation:

File 12 - Kachadurian

Petitioner alleges that Vanessa Kachadurian, without knowledge, permission, consent, or authorization of Vernon or Vance, unlawfully used Vernon's ATM card to withdraw approx. \$2,500.00 from Citibank Acct #xx088, and also removed approx. \$4,000.00 cash and tangible personal property from the residence including jewelry, misc. furnishings, Vernon's wallet, credit cards, Citibank debit card, and coins. Petitioner also alleges that Vanessa Kachadurian, by way of undue influence, fraud or theft, took possession of the 2005 Toyota Sienna thereby removing said van from the trust estate.

Petitioner prays for an order settling, allowing and approving the account and ratifying, confirming, and approving all acts and transactions of Petitioner as set forth in the petition, and for such other relief as the Court deems appropriate.

Objections filed 7-14-14 by Vanessa Kachadurian states the unfounded and absurd accusations against her that have nothing to do with the matter before the Court. The one fact that the petitioner fails to mention is that he persuaded his father to change an account to a joint account with him and his father; this was a Citibank account that was titled in the name of the trust and had a balance of approx. \$80,000. Petitioner claimed that account on their father's death. Objector believes that Petitioner deceived their father to enter into this transaction. It was the decedent's intent, as well as that of their mother, that all assets and accounts be divided equally between their children. The petitioner took a windfall profit by this transaction, which accrued to his personal benefit and to the detriment of his siblings.

Objector objects to the unsubstantiated suppositions made in Paragraph 9 that Objector took cash, coins, jewelry and other personal property from the decedent's home without consent or knowledge of the petitioner, and the unsubstantiated contention in Paragraph 10 that she removed the Toyota van from the estate by other than lawful means. Objector contends that the decedent signed the van over to her.

Objector objects to the fact that the petitioner has admitted he has all of the personal property, furnishings and furniture from the house in a storage facility, yet failed to submit a detailed inventory of those items or his intentions as to distribution. Additionally, he has donated or otherwise disposed of some items and has not furnished receipt.

Objector would be interested in knowing the plan for distribution of the personal property, furnishings and furniture from the house, are there are a number of items that Objector is interested in obtaining.

Objector requests that the Court:

- 1. Deny the petition as prayed;**
- 2. Order Petitioner to file an amended petition omitting all the irrelevant editorial comments made in regard to Objector;**
- 3. Order Petitioner to file a complete and detailed inventory of the personal property, furnishings and furniture taken from the house as well as any other property items in his personal possession; and**
- 4. All other proper relief as the Court may deem just and proper.**

Update: On 11-14-14, Attorney Rube submitted a Proposed Order Settling the First and Final Account and Report of Trustee and Petition for its Settlement and the Objections to the First and Final Account and Report of Trustee and Petition for its Settlement Pursuant to a Settlement Agreement and Mutual Release. Attached to the Proposed Order is a Settlement Agreement signed by Vanessa Kachadurian and Vance Kachadurian, and their respective counsel.

Petition for Appointment of Guardian of the Estate (Prob. C. 1510)

Age: 14		<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS:	
		MARIA G. VALENCIA , mother, is Petitioner.		<u>CONTINUED FROM 11/17/14</u>	
		Father: FRANCISCO PATINO ANGUIANO – <i>Consent & Waiver of Notice filed 10/16/14</i>		1. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for</i> <i>Appointment of Guardian of</i> <i>the Estate</i> <u>or</u> <i>Consent &</i> <i>Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for:	
Cont. from 011215		Paternal grandfather: DECEASED		a. Montserrat Patino (minor) – personal service required	
	Aff.Sub.Wit.	Paternal grandmother: CONSUELO ANGIANO HERNANDEZ – <i>served by mail on</i> <i>11/26/14</i>		b. Maternal grandfather – service by mail sufficient (unless diligence is found)	
✓	Verified	Maternal grandfather: UNKNOWN – <i>Declaration of Due Diligence filed 12/17/14</i>			
	Inventory	Maternal grandmother: GLORIA VALENCIA – <i>served by mail on 10/21/14</i>			
	PTC	Siblings: SAMANTHA PATINO, FRANCISCO PATINO, JR., BERENICE PATINO – <i>all served</i> <i>by mail on 10/21/14</i>			
	Not.Cred.	Petitioner states her parents deeded the family home in Caruthers to Petitioner and her 4 children several years ago. The home had an existing mortgage. Petitioner states that she has had to borrow money from friends and family to make the mortgage payments and can no longer do so. Petitioner and her 3 adult children have decided that they must sell the home to avoid foreclosure. Petitioner states that guardianship of the estate is necessary because her youngest child is still a minor. Petitioner states that she intends to deposit Montserrat's share of the sales proceeds into a blocked account.			
✓	Notice of Hrg				
✓	Aff.Mail	w/			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	X			
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report	n/a			
	9202				
✓	Order				
		<u>Estimated Value of the Estate:</u> Personal property - \$12,000.00 to \$15,000.00		Note: If petition is granted, status hearings will be set as follows: <ul style="list-style-type: none"> • Monday, 02/02/15 at 9:00am in Dept. 303 for filing of Receipt and Acknowledgement of Order for the Deposit of Money into blocked account; • Monday, 05/04/15 at 9:00am in Dept. 303 for filing of the Inventory & Appraisal; and • Monday, 02/22/16 at 9:00am in Dept. 303 for filing of the First Account. 	
	Aff. Posting			Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter, the status hearing will come off calendar and no appearance will be required.	
	Status Rpt			Reviewed by: JF	
✓	UCCJEA			Reviewed on: 01/07/15	
	Citation			Updates:	
	FTB Notice			Recommendation:	
				File 13 – Patino	

Petition for Probate of Will and for Letters Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 11/11/14			PUBLIC ADMINISTRATOR is petitioner and requests appointment as Administrator. Full IAEA – o.k. Decedent died intestate. Residence: Selma Publication: Fresno Business Journal <u>Estimated value of the estate:</u> Real property - \$150,000.00	NEEDS/PROBLEMS/COMMENTS: 1. Need date of death of deceased spouse. Local Rule 7.1.1D. 2. Decedent was a resident of Selma. Publication should have been in the Selma Enterprise. Local Rule 7.9A 3. Declaration filed on 12/30/14 indicates the decedent's daughter's name is Linda Glover. Petitioner and Notice list her as Laverne Glover. Need proof of service of the Notice of Petition to Administer the Estate on Linda Glover.
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.	<input type="checkbox"/>		
✓	Verified	<input type="checkbox"/>		
<input type="checkbox"/>	Inventory	<input type="checkbox"/>		
<input type="checkbox"/>	PTC	<input type="checkbox"/>		
<input type="checkbox"/>	Not.Cred.	<input type="checkbox"/>		
<input type="checkbox"/>	Notice of Hrg	<input type="checkbox"/>		
✓	Aff.Mail	W/		
✓	Aff.Pub.	<input type="checkbox"/>		
<input type="checkbox"/>	Sp.Ntc.	<input type="checkbox"/>		
<input type="checkbox"/>	Pers.Serv.	<input type="checkbox"/>		
<input type="checkbox"/>	Conf. Screen	<input type="checkbox"/>		
✓	Letters	<input type="checkbox"/>		
<input type="checkbox"/>	Duties/Supp	<input type="checkbox"/>		
<input type="checkbox"/>	Objections	<input type="checkbox"/>		
<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>		
<input type="checkbox"/>	CI Report	<input type="checkbox"/>		
<input type="checkbox"/>	9202	<input type="checkbox"/>		
✓	Order	<input type="checkbox"/>		
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>		
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>		
<input type="checkbox"/>	UCCJEA	<input type="checkbox"/>		
<input type="checkbox"/>	Citation	<input type="checkbox"/>		
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>		
			Reviewed by: KT	
			Reviewed on: 1/7/14	
			Updates:	
			Recommendation:	
			File 14 – Blair	

Spousal or Domestic Partner Property Petition (Prob. C. 13650)

DOD: 7/21/14		BARBARA HELM , surviving spouse, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		No other proceedings	<p><u>Continued to 3/4/15</u> at the request of the attorney.</p> <ol style="list-style-type: none"> #5a(2) of the petition was not answered re: issue of a predeceased child. The original Will appears to have been deposited in Madera County. Probate Code §8200 states the custody of the will shall deliver the will to the clerk of the superior court of the county in which the estate of the decedent may be administered. It appears that the Will should be deposited in Fresno County. Probate Code §8203 outlines the procedure for transfers of wills between counties.
Cont. from		Will dated 8/13/03 devises entire estate to spouse, Barbara Helm.	
<input type="checkbox"/>	Aff.Sub.Wit.		
✓	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
✓	Notice of Hrg	W/	
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
✓	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 1/7/15
			Updates:
			Recommendation:
			File 15 - Helm

DOD: 11-15-02	CHRISTOPHER O'NEAL , Son, was originally appointed as Administrator with Full IAEA with bond of \$50,000.00.	NEEDS/PROBLEMS/COMMENTS:
	Bond was filed on 12-8-03 and Letters issued on 1-27-04. Mr. O'Neal was represented by Attorney Gary Huss.	OFF CALENDAR
Cont from 041814, 052314, 111714	I&A filed 3-29-04 indicated real property valued at \$145,000.00 as of date of death 11-15-02.	Minute Order 11-17-14: Ms. Kruthers will file a surcharge petition; if filed by 1-8-15, the matter may come off calendar.
Aff.Sub.Wit.	On 10-12-06, the Court set a status hearing for failure to file a petition for final distribution.	Petition for Surcharge filed 1-5-15 is set for hearing on 3-16-15.
Verified	A status report filed 1-16-07 indicated that issues needed to be resolved among heirs, and a guardian ad litem may need to be appointed for the decedent's disabled daughter.	Note: The decedent had three children who would be the heirs to this estate, including the former Administrator Christopher O'Neal, Carl O'Neal, and Robin O'Neal, the disabled daughter referred to in the 2007 status report.
Inventory	The First Account filed 2-8-07 indicated that title to the real property had been transferred into the name of the Administrator, and that the Administrator had refinanced the property and had withdrawn \$75,000.00 in equity, which paid off the prior lien and created a new mortgage in his name alone. The cost of the transaction was \$6,552.08. Mr. O'Neal reportedly received \$43,482.14 cash at the close of the transaction, which was reportedly applied toward the purchase of a vehicle and to care for his disabled sister, for whom he was the caregiver. Additionally, funds of \$2,750.00 were also advanced to Attorney Huss to assist with the costs and expenses of this proceeding.	Note: A Request for Special Notice was filed by attorney Gary Huss.
PTC	The Court admonished the Administrator not to take any other money from the estate or take any other loans against estate property on 3-22-07, but the account was not settled. On 5-8-07, Attorney Huss substituted out as attorney for Mr. O'Neal.	Note: It appears Mr. Huss may have received payment prior to Court authorization.
Not.Cred.	Thereafter, an OSC was issued for Mr. O'Neal regarding possible sanctions, and on 6-21-07 he was removed and the FRESNO COUNTY PUBLIC ADMINISTRATOR was appointed as Successor Administrator. On 6-21-07, the Court ordered the Public Administrator to take all steps necessary to return the property to the estate.	Note: If this matter is continued, notice should be sent to interested persons, including heirs, requests for special notice, and the surety.
Notice of Hrg	On 7-18-07, the Court sent notice of Mr. O'Neal's removal to Western Surety Company.	Note: Status Report filed 5-20-14 states it appears a guardianship estate may need to be established for one of the heirs.
Aff.Mail	Letters issued to the Public Administrator on 3-3-08. However, since that date, there has been no activity in this file.	Reviewed by: skc
Aff.Pub.	On 2-14-14, the Court set this status hearing for failure to file a petition for final distribution.	Reviewed on: 1-5-15
Sp.Ntc.		Updates: 1-7-15
Pers.Serv.		Recommendation:
Conf. Screen		File 16 – O'Neal
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

DOD: 10-28-04	LEON Y. GEORGE , father, and ARMEN L. GEORGE , brother, were appointed as Co-Administrators with Full IAEA without bond and Letters issued on 1-25-05.	NEEDS/PROBLEMS/COMMENTS: Minute Order 2-14-14: Counsel informs the Court that he is waiting on a copy of the brokerage account. Minute Order 3-14-14: Partial Inventory and Appraisal submitted to Mr. Diebert. Waiting on brokerage account. Minute Order 5-16-14: Partial Inventory and Appraisal submitted to Mr. Diebert. Minute Order 7-15-14: Continued to 10-14-14 Minute Order 10-14-14: Counsel is directed to submit a status report before the next hearing if the requested documents have not been filed. As of 1-5-15, nothing further has been filed. The following issues remain: 1. Need Inventory and Appraisal pursuant to Probate Code §8800. 2. Need accounting and petition for final distribution pursuant to Probate Code §12200. Note: Decedent's heirs pursuant to intestate succession would be his parents, Leon Y. George and Louise K. George.
Cont. from 021414, 031414, 051614, 071514, 101414	Leon Y. George is a resident of Fresno, CA. Armen L. George is a resident of Sammamish, WA. The original petition alleged \$200,000.00 in personal property, annual income from personal property of \$5,000.00, and real property valued at \$150,000.00. However, no Inventory and Appraisal was ever filed pursuant to Probate Code §8800. Three Creditor's Claims have been filed totaling \$28,426.95, and a Request for Special Notice was filed by the State of California Franchise Tax Board on 11-6-06. No accounting or petition for final distribution was ever filed pursuant to Probate Code §12200. The Court set this status hearing for failure to file Inventory and Appraisal and failure to file accounting or petition for final distribution. Both attorney and personal representative(s) are ordered to appear. Notice of Status Hearing was mailed to Attorney Jeffrey D. Simonian and to Administrators Leon Y. George and Armen L. George on 11-21-13.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202 Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Probate Status Hearing Re: Failure to File a Petition for Final Distribution

DOD: 11-25-04	<p>PRESTON VAN CAMP, Grandson, in pro per, was appointed as Administrator with Full IAEA without bond on 4-12-05 and Letters issued 4-14-05. Pursuant to various Assignments of Interest, the Administrator was also to be the sole beneficiary.</p> <p>I&A filed 8-11-05 indicated a total estate value of \$175,249.00 consisting of real and personal property.</p> <p>A status report filed 4-17-09 indicated that the decedent apparently owed taxes since 1997; therefore, the Administrator needed a 6-month continuance to sell assets, pay creditors, and file the petition for final distribution. The Administrator did not appear at the continued hearing date; however, and an OSC was issued.</p> <p>On 11-28-06, Preston Van Camp was removed as Administrator and the FRESNO COUNTY PUBLIC ADMINISTRATOR was appointed as Successor Administrator. The former Administrator was ordered to file his final account and distribute to the Public Administrator. The former Administrator's account and later his amended account detailed various transactions, including granting an option to purchase the real property. The Public Administrator filed objections, and both the original account and the amended account were ultimately denied. According to the amended petition, all assets inventoried (real and personal property) remained on hand.</p> <p>On 11-5-07, the Court ordered the assets turned over to the Public Administrator and reserved the right to surcharge.</p> <p>There was no further activity in this case until 2-14-14 when the Court set this status hearing for failure to file a petition for final distribution.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont from 041814, 052314, 111714		<p>Note: Status Report filed 4-25-14 states Pamela Van Camp, one of the decedent's daughters, stated she would like to assume the loan on the home and she thinks her sisters would be okay with that. She was informed she would have to pay fees as well, and was given until April 15 to discuss with family and look into how to assume the loan. In order to resolve issues, Public Administrator requested a 6-month continuance.</p> <p>Minute Order 11-17-14: The Public Administrator intends to move forward with an unlawful detainer. The Court orders the Public Administrator to review the interior of the home and to take photos. The Court further orders that the property is to be sold. Ms. Van Camp is to contact the Public Administrator forthwith. A written status report is to be filed by 01/05/15. Cont. to 011215.</p> <p><u>As of 1-5-15, nothing further has been filed.</u></p>
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 1-5-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 18 – Van Camp</p>

		<p>BARBARA ROMERO, daughter, was appointed Conservator of the person and estate on 1/19/07. Bond was set at \$15,000.00.</p> <p>Bond was filed and letters issued on 1/19/07.</p> <p>Order Approving Third Account was filed 09/15/2014.</p> <p>Minute Order of 09/15/2014: The Court is satisfied with the bond amount of \$156,000.00 plus statutory amount to cover the costs of recovery.</p> <p>Minute Order of 10/27/2014: Bond is set at \$156,000.00. Counsel is directed to prepare an Order.</p> <p>Minute Order of 10/27/2014 set this matter for hearing for the filing of the Bond.</p> <p>Order After Status Hearing Requiring Conservator of the Estate to Obtain a New Bond in the amount of \$156,000.00 signed by Judge Oliver on 10/29/2014.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR.</u></p> <p><u>BOND FILED 12/30/2014 in the amount of \$156,000.00.</u></p>
Cont. from 120114			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: LV</p> <p>Reviewed on: 01/06/2015</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 19 – Castro</p>	

Probate Status Hearing Re: Filing Account

DOD: 11/06/06	<p>NAGLAA K. ALAMELDIN, sister, was appointed Administrator with full IAEA and bond of \$190,000.00 on 01/02/07.</p> <p>NAGLAA K. ALAMELDIN filed a Status Report of Administration of Estate and Petition to Approve First Account on 09/21/10.</p> <p>The Petition to Approve First Account was continued several times and the Court denied the Petition with leave to Amend on 06/04/12.</p> <p>Minute Order from hearing on 8/6/12 set this matter for status regarding filing the account.</p> <p>In June of 2013 the attorney reported that the estate is waiting on funds totaling \$69,425.63 from CA State Controller unclaimed property. In addition since there was a minor beneficiary a guardianship of the estate would be needed prior to distribution.</p> <p>Former Status Report filed 8/11/14 states the estate received a check in the amount of \$69,352.97 from the State Controller's office. Administrator states they are in the process of preparing a formal accounting and petition for final distribution in the next 45 days.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 12-1-14: If the accounting is filed by 1-8-15, no appearance is necessary of 1-12-15.</p> <p>1. Need Final Account and Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from 100412, 113012, 020113, 040513, 060713, 080913, 090613, 110113, 010914, 041014, 081114, 100914, 120114		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt	X	
UCCJEA		
Citation		
FTB Notice		
Reviewed by: skc		
Reviewed on: 1-5-15		
Updates:		
Recommendation:		
File 20 - Alameldin		

Probate Status Hearing Re: Failure to File First Account or Petition for Final Distribution

DOD: 09/05/06	ELIZABETH FELIX , daughter, was appointed Administrator with full IAEA and without bond on 03/20/07. Letters of Administration were issued on 03/21/07.	NEEDS/PROBLEMS/COMMENTS: CONTINUED FROM 11/17/14 Minute Order from 11/17/14 states: Mr. Fanucchi represents that he is waiting on info/funds from the tax collector. The Court orders Mr. Fanucchi to contact Vicki Crow and file an updated status report by 01/05/15.
Cont. from 090613 101113, 101714, 111714	Final Inventory & Appraisal filed 04/13/07- \$160,000.00	
Aff.Sub.Wit.	Notice of Status Hearing filed 07/17/13 set this matter for status on 09/06/13.	1. Need Account/Report on Waiver of Account and Petition for Final Distribution.
Verified	Status Report filed 08/14/13 states: The only asset of the estate was real property located at 1924 S. Teilman, Fresno. There were no funds in the estate for expenses of administration; costs to date have been advanced by the Administrator's attorney. The heirs had no funds to pay the annual property taxes, upkeep or maintenance on the real property. The property was sold by the County of Fresno in March 2013 for non-payment of property taxes. The excess sale proceeds were \$32,379.78. A claim for excess proceeds was sent to the Fresno County Tax Collector on 06/05/13. It is unknown when the proceeds will be received by the estate per the tax collector's office. The Department of Health Care Services has liens for Medi-Cal advances for the decedent and her predeceased spouse against the estate in the amount of \$69,827.33. After payment of attorney's fees, costs of administration, and statutory commission, the balance of the excess sale proceeds will be paid to the Department of Health Care Services. Upon receipt of the funds from the County of Fresno, the final accounting and petition for final distribution will be prepared and filed.	
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		Reviewed by: JF
Citation		Reviewed on: 01/07/15
FTB Notice		Updates:
		Recommendation:
		File 21 – Estrada

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

DOD: 09/01/2012	JULIE RAVISCIONI , daughter was appointed Administrator with full IAEA authority without bond on 05/15/2013.	NEEDS/PROBLEMS/COMMENTS: Minute Order of 11/10/2014 (Judge Sanderson): Mr. Krebechek informs the Court he will be filing a first account in a few weeks. Ms. Johnson and Ms. Dupree object to their rejected creditor claims. They are informed to file appropriate documents. Minute Order of 08/18/2014: Mr. Krbechek is in trial and requests a continuance. Minute Order of 07/18/2014 (Judge Kristi Culver Kapetan): No appearances. Order to personally appear issued for Mr. Krbechek. 1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties. Please see additional page
	Letters issued 05/16/2013	
	Final Inventory and Appraisal filed 11/06/2013 shows an estate valued at \$182,150.00.	
Cont. from 071814, 081814, 092214, 111014	Minute Order of 05/15/2014 set this status hearing for the filing of the First Account and/or Petition for Final Distribution.	
Aff.Sub.Wit.	Former Declaration of Randolph Krbechek Regarding the Status of Action and Request for Continuance filed 08/11/2014 states he cannot attend the hearing set for 08/18/2014 because he is required to be in Redwood City at the same time for trial in a pending superior court action. The trial is set to commence on 08/11/2014. Attorney Krbechek respectfully requests the court continue the hearing on this matter to the next available date.	
Verified	Former Declaration of Randolph Krbechek regarding the Status of Action and Request for Continuance filed 09/19/2014 states the estate has just received the last payment on the Granville promissory note. Additional time is required to resolve the creditor's claims. Based thereon, a continuance of on this matter for 45 days is requested.	
Inventory	Former Declaration of Randolph Krbechek regarding the Status of Action and Request for Continuance filed 11/07/2014 states it appears that administration of estate assets has been completed, however, confirmation that all payments owed to Granville note have been made. Further, a release of lien from the Internal Revenue Service, which has a creditor's claim on file in the amount of \$104,205.0, needs to be obtained. It is respectfully requested that the Court continue the hearing on this matter for two weeks.	
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Reviewed by: LV
Reviewed on: 01/06/2015
Updates: 01/09/2015
Recommendation:
File 22 – Dupree

Declaration of Randolph Krbechek Regarding the Status of Action and Request for Continuance filed 01/09/2015 states on 12/19/2014, Ms. Dupree filed an action to enforce her creditor's claim. The case entitled Camber Dupree v. Julie Raviscioni, Administrator, Fresno County Superior Court Case No. 14CG03809. The administrator was recently served, and a responsive pleading has not yet been filed. The complaint seeks damages against Julie Raviscioni in her capacity as administrator of this probate case. Mr. Krbechek intends to file a demurer to the complaint based on the statute of limitations, and have obtained a hearing date of 02/26/2015 in Department 503. Based thereon, a court continuance is respectfully requested on this matter until March 2015.

DOD: 08/17/12	<p>EDWARD SIMPSON, brother, was appointed Administrator with Limited IAEA, without bond, with deposits of \$1,000,000.00 to be placed into a blocked account on 10/16/13. Letters of Administration were issued on 10/22/13.</p> <p>Status Hearing Report filed 11/06/14 states: The only possible asset of this estate was an insurance policy for \$1,000,000.00. The parties in the insurance litigation went to mediation in San Diego on 06/20/14 and settled the matter. The final settlement agreement was approved by the court in September 2014. The exact figure that will be received by the estate is unknown. The checks were supposed to be printed and mailed by the end of this week. The Administrator cannot file a receipt for the deposit of funds into a blocked account or a final inventory & appraisal because no funds have been distributed to the case. As soon as the estate knows the actual check amount, an Order to Deposit Funds into Blocked Account will be submitted Ex Parte for the court's review and signature.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 11/10/14</u></p> <p>1. Need Receipt & Acknowledgement of Order for the Deposit of Money into Blocked Account.</p> <p>Note: It does not appear that an Order to Deposit Money into Blocked Account has been submitted/signed.</p>
Cont. from 111513, 031714, 071514, 090914, 111014		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 01/07/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 23A – Simpson</p>

DOD: 08/17/12	EDWARD SIMPSON , brother, was appointed Administrator with limited IAEA, without bond, with deposits of \$1,000,000.00 to be placed into a blocked account on 10/16/13.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 11/10/14</u> 1. Need inventory and appraisal.
Cont. from 012114, 031714, 071514, 090914, 111014	Letters of Administration were issued on 10/22/13.	
Aff.Sub.Wit.	Minute order dated 8/20/13 set this status hearing for the filing of the inventory and appraisal.	Reviewed by: JF Reviewed on: 01/07/15 Updates: Recommendation: File 23B – Simpson
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Status Hearing Report filed 11/06/14 states: The only possible asset of this estate was an insurance policy for \$1,000,000.00. The parties in the insurance litigation went to mediation in San Diego on 06/20/14 and settled the matter. The final settlement agreement was approved by the court in September 2014. The exact figure that will be received by the estate is unknown. The checks were supposed to be printed and mailed by the end of this week. The Administrator cannot file a receipt for the deposit of funds into a blocked account or a final inventory & appraisal because no funds have been distributed to the case. As soon as the estate knows the actual check amount, an Order to Deposit Finds into Blocked Account will be submitted Ex Parte for the court's review and signature.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

DOD: 08/17/12	<p>EDWARD SIMPSON, brother, was appointed Administrator with limited IAEA, without bond, with deposits of \$1,000,000.00 to be placed into a blocked account on 10/16/13.</p> <p>Letters of Administration were issued on 10/22/13.</p> <p>Minute order dated 8/20/13 set this status hearing for the filing of the First Account and/or Petition for Final Distribution.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 11/10/14</u></p> <p>Minute Order from 10/23/14 states: Counsel reports that there is nothing to place on the blocked account as the funds have not been distributed. The Court orders that any proceeds be placed directly into a blocked account.</p> <p>1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from 102314, 111014		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: JF</p> <p>Reviewed on: 01/07/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 23C – Simpson</p>	

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

DOD: 12/14/2009	ERIC P. DIENER was appointed Executor with full IAEA authority and without bond on 8/22/13.	NEEDS/PROBLEMS/COMMENTS:
	Letters issued 8/22/14.	Continued from 10/24/14.
Cont. from 102414	I & A - \$604,499.22	
Aff.Sub.Wit.	<p>Minute Order dated 8/22/14 set this status hearing for the filing of the first account or petition for final distribution.</p> <p>Declaration of Danielle R. Guerrero and Status Report filed on 1/2/15 states the phone number provided to them by Eric Diener is no longer in service. Their office tried to contact Mr. Diener by e-mail and phone on several occasions. Ms. Guerrero personally drove to the residence. She rang the doorbell several times and waited about 5 minutes before leaving. Ms. Guerrero states she left a letter at the residence explaining the need for Mr. Diener to contact their office right away and included her business card as well as Mr. Flanigan's business card. In December 2014 Ms. Guerrero sent a certified letter to petitioner. To date she has not received a response.</p>	<p>1. Need first account and/or petition for final distribution</p>
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order	Reviewed on: 1/6/15	
Aff. Posting	Updates:	
Status Rpt	Recommendation:	
UCCJEA	File 24 – Diener	
Citation		
FTB Notice		

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

DOD: 10/16/2011	WALTER SHERWOOD CHANCE , brother, was appointed Executor with Limited IAEA authority without bond on 09/20/2013.	NEEDS/PROBLEMS/COMMENTS:
		Minute Order of 10/24/2014: No appearances. Attorney Donna Standard is ordered to be personally present on 01/12/2015 with her client if the first account or petition for final distribution has not been filed.
Cont. from 102414	Letters issued on 11/02/2013.	<p>1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Aff.Sub.Wit.		
Verified	Final Inventory and Appraisal was filed on 01/10/2014 showing an estate valued at \$165,000.00.	
Inventory		
PTC		
Not.Cred.	Minute Order of 08/23/2013 set this matter for the hearing of the Filing of the First Account and/or Petition for Final Distribution.	
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		Reviewed by: LV
Order		Reviewed on: 01/06/2015
Aff. Posting		Updates:
Status Rpt		Recommendation:
UCCJEA		File 25 – Chance
Citation		
FTB Notice		

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

DOD: 04/13/2013	MEREDITH LYNN MCNEIL , daughter, was appointed Executor with full IAEA authority without bond on 08/26/2013.	NEEDS/PROBLEMS/COMMENTS: 2. Need First Account or Petition for Final Distribution.
	Letters issued 08/26/2013.	
Cont. from 102414	Final Inventory and Appraisal was filed on 03/11/2014 showing an estate valued at \$432,747.05.	Reviewed by: LV Reviewed on: 01/06/2015 Updates: 01/09/2015 Recommendation: File 26 – McNeil
Aff.Sub.Wit.	Minute Order of 08/26/2014 set this matter for hearing for the filing of the First Account and/or Petition for Final Distribution.	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail	Status Report filed 01/09/2015 there are two rental properties in this estate. The rental property located at 731 N. Thorne Ave. has been listed for sale since April 2014. The listing price has steadily been decreasing. On 12/08/2014, the Executor accepted an offer on 731 N. Thorne residence for \$95,000.00. A Notice of Proposed Action was mailed out to all of the beneficiaries on 12/12/2014 and filed with the Court. On 01/06/2015, Attorney Horton was notified by Angela Salmme, the escrow officer at Fidelity National Title that the buyer cancelled the sale. Apparently the buyer drove by the residence one night after work to look at the neighborhood and there were several police vehicles parked around the street, because an arrest was happening at a neighboring house. The buyer did not feel safe and chose not to proceed with the sale and escrow. The price of the property has been reduced to \$99,900.00. The other estate property located at 3747 E. Washington Ave and is rented with the estate receiving the monthly income. Attorney Horton asks that the matter be continued for 90 days for further status.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 05/22/13	TERRI JEAN , spouse, was appointed as Administrator with limited IAEA and bond in the amount of \$64,400.00 on 10/30/13.	NEEDS/PROBLEMS/COMMENTS: Minute Order of 11/10/2014 (Judge Sanderson): Attorney Roberts appears via Court Call. Minute Order of 08/04/2014: Attorney's represent to the Court that the Inventory and Appraisal is almost complete. Minute Order of 06/18/2014 (Judge Cardoza): Mr. Garland is appearing specially for the Office of Joanne Sanoian. Mr. Roberts requests a continuance. Minute Order of 04/30/2014 (Judge Whitehead): Mr. Garland is appearing specially for the Office of Joanne Sanoian. Mr. Roberts advises the Court that he is substituting in as counsel for Terri Jean. 1. Inventory & Appraisal, Partial No. 2 filed 09/25/2014 was not appraised by the assigned Probate Referee. 2. Need Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
	Bond was filed 11/12/13 and Letters of Administration were issued on 11/20/13.	
	Inventory & Appraisal, Partial No. 1 filed 03/12/14 - \$486,277.83	
	Inventory & Appraisal, Partial No. 2 filed 09/25/2014 - \$185,740.00 – see Examiner Note #1.	
Cont. from 040414, 043014, 061814, 080414, 082514, 092914, 111014		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 01/06/2015
		Updates:
		Recommendation:
		File 27 - Jean

**(1) Verified Supplement for First Account and Report of Personal Representative and
Petition for Final Distribution (treated as an amendment/supplement to the Request for Waiver of Account and Report of
Personal Representative and Petition for Final Distribution)**

DOD: 09/24/12		STEPHANIE N. ROMANS, Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: CONTINUED FROM 09/25/14 1. Petitioner states that the property on hand consists of real property and that those properties will be listed for sale and the proceeds of the sale will be distributed to the 4 heirs. Therefore it does not appear that the estate is in a condition to be closed at this time if it is Petitioner's intent to liquidate the real property and distribute the proceeds of sale to the heirs. Petitioner does not mention distribution of the real property in undivided interests to the 4 heirs. If Petitioner intends to distribute the property in undivided interests, need written consent of all distributees pursuant to Local Rule 7.12.4A and because beneficiary Richie Caleb Oh is a minor, also need declaration documenting the need to distribute the assets in undivided interests and why it would be in the minors best interest (per Local Rule 7.12.4B). 2. Beneficiaries Nicholas and James Oh filed Disclaimers disclaiming their share of the estate on 05/28/13 but Petitioner is now requesting to distribute the property to them. Need clarification.
		Account period: 09/14/12 – 12/12/14	
Cont. from 092514. 101414		Accounting - \$310,000.00	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH- \$310,000.00	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$310,000.00	
<input checked="" type="checkbox"/>	Inventory	Administrator - waived	
<input checked="" type="checkbox"/>	PTC	Attorney - n/a	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/o	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters	04/30/13	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
Distribution, pursuant to intestate succession is to: Nicholas Oh - 1/4 Jacob Oh - 1/4 Richie Caleb Oh - 1/4 Stephanie Romans - 1/4			
Reviewed by: JF			
Reviewed on: 01/07/15			
Updates:			
Recommendation:			
File 28 - Oh			

Proabte Status Hearing: Inventory and Appraisal

Age: 9 years	LORRAINE RENEE ALVAREZ was	NEEDS/PROBLEMS/COMMENTS: Need inventory and appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
	appointed guardian on 9/8/14 with bond set at \$7,629.00.	
	Bond was filed on 9/26/14 and Letters issued.	
	Minute order dated 9/8/14 set this status hearing for the filing of the inventory and appraisal.	
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 1/7/15
		Updates:
		Recommendation:
		File 29 - Alvarez

**Amended Petition for Probate of Will and for Letters of Administration with Will
Annexed, Authorization to Administer Under the Independent Administration of
Estates Act**

DOD: 10-19-14	KYLEE MARIE LUCHETTI , Daughter, is Petitioner and requests appointment as Administrator without bond.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> If granted, the Court will set status hearings as follows: - Monday, May 18, 2015 for the filing of the Inventory and Appraisal - Monday May 16, 2016 for the filing of the first account or petition for final distribution. If the proper items are on file prior to the status hearing dates pursuant to local rules, the status hearings may be taken off calendar.
	Named Executor declines to act.	
✓ Aff.Sub.Wit.	All heirs waive bond and nominate Petitioner to act as personal representative.	
✓ Verified		
Inventory		
PTC		
Not.Cred.	Full IAEA – ok	
✓ Notice of Hrg	Holographic Will dated 5-22-12	
✓ Aff.Mail	Residence: Clovis	
✓ Aff.Pub.	Publication: Fresno Business Journal	
Sp.Ntc.		
Pers.Serv.	Estimated value of estate:	
Conf. Screen	Personal property: \$162,900.00	
	Annual income: \$128,700.00	
	Real property: \$518,000.00	
✓ Letters	Total: \$809,600.00	
✓ Duties/Supp		
Objections	Probate Referee: Rick Smith	
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 1-7-15
		Updates: 1-8-15
		Recommendation:
		File 30 - Hayden

		TEMP GRANTED EX PARTE ON 10-31-14 EXPIRED 11-12-14. See Minute Order.	NEEDS/PROBLEMS/COMMENTS:
		ANTHONY BROWN, JR., Step-father, is Petitioner.	<u>Note:</u> A contested hearing is set for 1-13-15 at 9:00 in Dept. 303. See Minute Order of 11-12-14.
	Aff.Sub.Wit.	Father: FABIAN E. SANTANA - Personally served 11-3-14	<u>Minute Order 11-12-14 (Temp):</u> The Court orders the Court Investigator to contact the parties immediately. The Court finds no good cause to continue the temporary orders and allows them to expire without prejudice. The matter is set for a contested hearing with a one day time estimate. Parties agree to, and the Court adopts as its order, the attached visitation agreement. Ms. Rusca will submit a formal order approved by all parties with regard to the visitation. See attachment to Minute Order for visitation orders. The Court additionally orders that no other members of the family are allowed to take part in any further mediation unless they become parties to the action. Set on 011315 at 9:00 in Dept. 303 for Contested Hearing.
✓	Verified	Mother: ALMA GUERRERO (Deceased)	<u>Note:</u> As of 1-7-15, nothing further has been filed. No order on the above minute order has been submitted.
	Inventory	Paternal Grandfather: Not listed Paternal Grandmother: Not listed	<u>SEE ADDITIONAL PAGES</u>
	PTC	Maternal Grandfather: Gerardo Guerrero Maternal Grandmother: Andrea Flores	
	Not.Cred.	Petitioner states the mother died in a car accident. The child had been living with Petitioner, his mother, and his maternal grandmother. On 10-29-14, the child's father, who has been absent and not stable for his child, came and took the child and is refusing to allow the child to see his family or attend his mother's funeral. The child's father has refused to pay child support and has also had domestic violence charges against him for abuse on the mother.	
✓	Notice of Hrg		
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	w	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
✓	Objections		
	Video Receipt		
	CI Report	x	
	Clearances	x	
✓	Order		
	Aff. Posting		Reviewed by: skc
	Status Rpt		Reviewed on: 1-7-15
✓	UCCJEA	Objections were filed by Fabian Santana (Father) on 11-6-14, along with additional declarations and a UCCJEA.	Updates:
	Citation		Recommendation:
	FTB Notice	<u>SEE ADDITIONAL PAGES</u>	File 31 - Santana

Page 2

Father's Objection to Temporary and Permanent Guardianship filed 11-6-14 states the mother, Alma, died on 10-25-14. He and Alma began dating when they were teenagers. They grew up together and were boyfriend/girlfriend until March 2013. When they decided to "break" they agreed that Mr. Santana would care for Fabian every Friday 6pm until Monday drop off at school, and also Tuesday evenings with Wednesday morning drop off at school. Holidays were shared.

On Friday 10-24-14, Alma called to say that he couldn't have Fabian that weekend because her mother was taking him to San Diego to visit family. When Mr. Santana heard about the tragedy, he immediately went to the maternal grandmother's home to see and console his son. She asked him to leave Fabian for a while. He returned Monday, 10-27-14 to get him and agreed to bring him back by 5pm as the grandmother was upset. He picked him up for his regular Tuesday visit on 10-28-14 and agreed to bring him back Wednesday to be fitted for a tuxedo. The grandmother refused to give his son back, so he called the Sheriff to help pick him up on 10-29-14.

To Mr. Santana's shock on Friday 10-31-14, the stepfather Anthony Brown, Jr., had a deputy call him advising that he had a court order to sign over his son to his stepfather.

Mr. Santana states he believes Alma met Anthony in 2014 and they married in May 2014. The ink of the child support order is barely dry (filed 9-18-14). Mr. Santana states he is not a "dead beat dad" and has always helped support his son.

Mr. Santana states there is no reason for a guardianship of his son. It is hard enough that he has suddenly lost his mother, NOW his father?! *[Emphasis in original.]*

Mr. Santana references Family Code §3010 and additional cases. Fabian has a parent who has provided him with a stable, loving environment since birth. A guardianship is NOT reasonable or necessary or even helpful. In fact, it is detrimental to his son's best interest.

Mr. Santana requests the Court deny the petition for temporary and permanent guardianship. See also attachments and additional declarations in support of Mr. Santana's objection.

NEEDS/PROBLEMS/COMMENTS:

1. **Need Court Investigation Report, clearances.**
2. **Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing pursuant to Probate Code §1511 on:**
 - **Paternal Grandfather (name not listed)**
 - **Paternal Grandmother (name not listed)**
 - **Maternal Grandfather Gerardo Guerrero**
 - **Maternal Grandmother Andrea Flores**

Age: 2 years	There is no Temporary. No temporary was requested.	NEEDS/PROBLEMS/COMMENTS:
	TRAMaine REENE SMITH, maternal grandmother, is petitioner.	
Cont. from	Father: LOUIE MCSHANE	
Aff.Sub.Wit.		
Verified	Mother: CIARA LOFTON	
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	Court Investigator Jennifer Young's Report filed on 12/23/14.	
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Reviewed by: KT
Reviewed on: 1/7/15
Updates:
Recommendation:
File 32 - McShane

33A Nike Khong Sithi (GUARD/P)

Case No. 14CEPR01002

Atty Johnson, Crystal B. (for Zayra Sithi – Step-Mother – Petitioner)

Atty Armas, J. Todd (for Tiffany D. Osterwise – Mother – Objector)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

		TEMP EXPIRES 1-12-15	NEEDS/PROBLEMS/COMMENTS:
		ZAYRA SITHI , Step-Mother, is Petitioner.	<p>Note: Visitation orders were made 11-13-14 and 12-4-14 (supervised visits for mother). See Minute Orders for details.</p> <p>1. Need Order. 2. Need Letters.</p>
		Father: KEN SITHI (Deceased)	
		Mother: TIFFANY OSTERWISE	
		- Personally served 11-5-14	
		- Objection filed 11-12-14	
		Paternal Grandfather: Khamsao Sithi	
		- Consents and waives notice	
		Paternal Grandmother: Orn Sithi	
		- Consents and waives notice	
		Maternal Grandfather: Mike Osterwise	
		- Served by mail 10-31-14	
		Maternal Grandmother: Geenie Osterwise	
		- Served by mail 10-31-14	
		Siblings: Christian Thai, Anna Sithi, James Sithi, Mason Sithi (Anna and James consent and waive notice)	
		Petitioner states the father had sole legal and physical custody of the minor following a CPS removal on 5-15-13. Father and Petitioner had been the primary caretakers for the minor and the mother had limited visitation. The father passed away 10-22-14. On 10-23-14, the mother made threats to shoot up Petitioner's house with the minor and other family inside. She was taken into custody and has pending felony case for criminal threats and endangering a child. The mother also has two active misdemeanor warrants, one of which is for a pending child abuse case. See attached Family Law order and Emergency Protective Order.	
		On 11-12-14, Tiffany D. Osterwise (Mother) filed Declaration of Tiffany D. Osterwise in Opposition to Appointment of Zayra Sithi as Guardian. See Page 2.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	w	
<input checked="" type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	x	
<input checked="" type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	Clearances		
<input type="checkbox"/>	Order	x	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc Reviewed on: 1-7-15 Updates: Recommendation: File 33A - Sithi

33A

Page 2

Mother's Objection states she was served 11-5-14, which has not provided enough time to find someone to assist her with file whatever documents she needs before the hearing. The declaration provides a history of custody of the minor and states that even though the Court gave Ms. Osterwise one day a week, she and the father had an informal arrangement whereby Nike lived primarily with her and visited the father on alternating weekends. He would occasionally stay with the father during the week. She and the father enjoyed a very cordial relationship and worked well together with regard to Nike. It was only after the petitioner became involved that they developed problems.

Ms. Osterwise states that when she learned that the father passed away, she went to the school to pick up Nike. She had contacted law enforcement for assistance by means of a stand-by. She had already confirmed that since the father had died, the custody order was no longer effective. However, she encountered problems with the school, and Petitioner arrived and had Nike removed from school grounds. She then went to their residence, but learned that Petitioner had told the officer that Ms. Osterwise had threatened her. She was arrested, and Petitioner was given an Emergency Protective Order that was in effect until 10-30-14. Additional details provided in Declaration.

Ms. Osterwise states Petitioner has attempted to paint a very ugly picture of her for the Court, including the felony and misdemeanor cases against her. The truth is that the PC422 felony (criminal threat) charge is the one that is mentioned above. She was never charged with PC273A. The PC273B was resolved. The VC14601.a misdemeanor was dismissed.

Ms. Osterwise provides additional details regarding history and states she is extremely capable of caring for her son. She has another son, Christian, who is 12, and she and the father share joint custody.

Ms. Osterwise states the father's family members are either gang members or have gang affiliations, and she believes Nike is certainly in more danger living with Petitioner than with her. In addition, she alleges that Petitioner has been physically abusive to Nike.

Ms. Osterwise requests the Court deny the petition.

Court Investigator Julie Negrete filed a report on 12-19-14.